



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 1.05 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament met at 9.00 a.m.

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

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

PRAYER
Mr Speaker

Order of the Day

Clerk: Meeting of Parliament, 15th February 2012.

1. Oath of allegiance.
2. Confirmation of minutes of the last meeting of Parliament, which commenced on 19th January 2012.

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

Clerk: 3. Communications from the Chair.
4. Petitions.

10

Announcements

15 **Clerk:** 5. Announcements: the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

20 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, at the last meeting of Parliament, I made an announcement in relation to Command Papers and I indicated that we had announced then a new procedure for publishing Bills in draft in the form of Command Papers. I said to Parliament that draft Bills would be published in the Government's Gibraltar Laws website. I just want to clarify the procedure to avoid any misunderstandings. It is not *all* Bills that will be published in the form of Command Papers. We have realised, since I made that announcement, that there are some Bills which clearly do not fall within that category and do not require to be published in draft.

25 An example is the draft supplementary or, rather, the Supplementary Appropriation Bill. That is clearly not a Bill that ought to be published in draft, which is a procedure to allow the public to comment for a period of two weeks before the Government decides to publish the Bill itself.

30 The other type of Bill that, perhaps, ought not to be published as a Command Paper is in fact one that we did publish as a Command Paper. Command Paper no. 2 was a Bill in relation to civil aviation, which simply changed from 'Minister for Transport' to 'Minister for Civil Aviation'. Again, that is not a Bill that is appropriate to publish in draft form or publish for public comment.

35 What we do intend is that any Bill which introduces a new law, for example, the first one that we did, the law which had to do with smoking, banning in closed public places, freedom of information acts, those kinds of laws which are new laws which we introduced, we will certainly publish those as Command Papers in draft, for a period of two weeks so that the public can comment.

I thought I should clarify that, given my announcement to Parliament on the last occasion.

Mr Speaker: Thank you.

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Papers laid

45 **Clerk:** Papers to be laid, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Prison Board for the year ended 31st December 2011.

50 **Mr Speaker:** Ordered to lie.

Clerk: Reports of Committees.

55

Questions for Oral Answer

60

Clerk: Answers to Oral Questions.

65

TOURISM, PUBLIC TRANSPORT AND THE PORT

Gibraltar Tourist Board Exhibition at FITUR Fair in Madrid

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Clerk: Question 107 of 2012, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether the Gibraltar Tourist Board exhibited at the FITUR Fair in Madrid in January 2012 and if so, at what cost?

75

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I will answer this question together with Question 108/2012.

80

FITUR Fair in Madrid Attendance of Minister

85

Clerk: Question 108.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether he attended the Fitur exhibition in Madrid in January 2012 and, if so, at what cost?

90

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Gibraltar Tourist Board did exhibit at FITUR in January of this year. The total cost was £31,997, as set out below. I can confirm that I was in attendance and the information requested by the hon. Member is set out in a schedule, which I hand to him now.

ANSWER TO QUESTION NO 108 OF 2012

ANSWER TO QUESTION NO 107 OF 2012

STAND COSTS	20,078.85
SUBSISTENCE	3,959.57
ACCOMODATION	732.14
FLIGHTS	949.34
PRINTING OF BROCHURE	2,300.00
PHOTOGRAPHY	560.00
TRAVELLING EXPENSES	562.71
MISC	2833.83
HOSPITALITY	20.63
GRAND TOTAL	£31,997.07

CONTD ANSWER TO QUESTION NO 108 OF 2012

Contd answer to Question No 107 of 2012

FITUR 2012 EXPENSES

STAND	
IFEMA - COST OF SPACE , ELECTRICAL CHARGES AND INSURANCE	7363.53
ARQUITECTURA DE DISEÑO - ASSEMBLE STAND AND DECORATE	6276.81
ARQUITECTURA DE DISEÑO - STAND & FURNITURE	6438.51
SUBSISTENCE	
D FERRAR 7 NIGHTS FROM 16.01.12 TO 22.01.12	1734.25
G MACEDO 7 NIGHTS FROM 16.01.12 TO 22.01.12	1734.25
M SANGUINETTI 2 NIGHTS FROM 19.01.12 TO 20.01.12	245.53
N COSTA 2 NIGHTS FROM 19.01.12 TO 20.01.12	245.54
ACCOMMODATION	
N COSTA 2 NIGHTS @ MELIA PRINCESSA MADRID 19.01.12 TO 20.01.12	366.07
M SANGUINETTI 2 NIGHTS @ MELIA PRINCESSA 19.01.12 TO 20.01.12	366.07
FLIGHTS	
M SANGUINETTI (IBERIA) 18.01.12 TO 20.01.12	
MAL/MAD/MAL	474.67
N COSTA (IBERIA) 18.01.12 TO 20.01.12 MAL/MAD/MAL	474.67
PRINTING OF BROCHURE	
ERIDES PRINTING OF BROCHURES	2300.00
PHOTOGRAPHY	
I MARTINEZ - 14 IMAGES OF GIBRALTAR FITUR 2012 EXHIBITION	560.00
TRAVELLING EXPENSES	
TRAIN TICKET FOR D FERRAR & M G MACEDO 18.01.12 TO 23.01.12	314.02
TAXIS - AIRPORT/HOTEL, FITUR/HOTEL & HOTEL/AIRPORT	102.32
TAXI TO FITUR	37.01
MARK LOMBARD AND TYRONE TORRES DRIVING MINISTER TO AND FROM MALAGA AIRPORT	94.00
M G MACEDO MILEAGE FROM GIBRALTAR TO ALGECIRAS	15.36
MISC	
M H BLAND - MASCOT ROCKY 3 DAYS FITUR	150.00
SYLVIA MARTINEZ GALLEG0 - TRANSLATIONS @ FITUR'12	823.36
COFFEE, TEA BAGS, NAPKINS ETC	17.47
MRW COURIER	1523.00
ERIDES COURIER	320.00
HOSPITALITY	
REFRESHMENT MARKETING FLOAT	20.63
	31997.07

CONTD ANSWER TO QUESTION NO 108 OF 2012

Answer to Question No 108 of 2012

COST OF MINISTER ATTENDING FITUR 2012

SUBSISTENCE 19.01.12 to 20.01.12 (2 nights half subsistence)	£ 245.54
ACCOMODATION 2 nights Melia Princesa Madrid	£ 366.07
TRAVELLING EXPENSES Taxis-Airport/Hotel, FITUR/Hotel and Hotel/Airport	£ 51.16
FLIGHTS N Costa (IBERIA) 18.01.12 to 20.01.12 (MAL/MAD/MAL)	£ 474.67
TOTAL	£1,137.44

95 **Hon. D J Bossino:** Yes, Mr Speaker, given the Government's propensity to issue press releases at almost every turn, I thought it was important for me to ask for better particulars as to how the Fitur exhibition went. I was surprised there was not any public announcement in relation to that, so perhaps can the Minister advise the House whether he attended any meetings while he was at FITUR?

100 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman, just arrived, is now telling the Government when we have to issue a press release. That is first in my reply. Secondly, the reason why we did not issue a press release was very simple. I went to Fitur essentially on a fact-finding mission to determine whether or not... there were many things but, first of all, value for money for Gibraltarians, whether going to FITUR meant that there was going to be business coming to Gibraltar – and I have already set out my position to my Cabinet colleagues, which we will discuss in Parliament in due course.

105 I can tell him that the way that it is currently formatted does not give the full potential that Gibraltar can achieve in an international fair of this sort. I can assure the hon. Gentleman that, when I went, I did not, like I am told someone else did, sit behind and do nothing, I, in fact, held something like six or seven meetings in the one full day that I was there. Not only that, I did meet with international operators, which I will not reveal at this moment because I am in commercial negotiations, and there has been a follow up with one of those international operators here at my office in Europort.

110 So to answer the question of the hon. Gentleman, no, we did not issue a press release, because we did not think at the time that it was for us to do so. Secondly, I did hold meetings, many of them, one of which has already had a follow through and, hopefully, we will be able to make an announcement shortly in respect of that meeting.

115 **Clerk:** Question –

120 **Hon. D J Bossino:** Were all those six or seven meetings with international operators, or can he give any particulars in relation to other meetings that he may have held with other groups? For example, were there press engagements?

125 **Hon. N F Costa:** Mr Speaker, if I recall correctly, I think I gave something like four interviews for Spanish TV channels, which of course meant free press... [*Inaudible*] ...stand. I also gave interviews to papers. There were meetings with international operators, as well.

Clerk: Question 109, the –

130 **Mr Speaker:** I think the Hon. Damon Bossino has another supplementary.

Hon. D J Bossino: I am thinking about one!

Mr Speaker: You will have to think very fast, I am afraid?

135 **Hon. D J Bossino:** No, carry on.

140 **Gibraltar Tourist Board
Exhibition at London Boat Show**

Clerk: Question 109, the Hon. D J Bossino.

145 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House whether the Gibraltar Tourist Board exhibited at the London Boat Show held in January 2012 and if so, can he provide details of the cost of his participation?

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

150 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I will answer this question together with Question 110.

155 **London Boat Show
Minister's attendance**

Clerk: Question 110.

160 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House whether he attended the London Boat Show exhibition in January 2012 and, if so, can he provide details of the cost of its participation?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Gibraltar Tourist Board did exhibit at the London Boat Show in January of this year, although I did not attend. The total cost was £15,394.79 and the information requested by the hon. Member is set out in a schedule, which I hand to him now.

170 By way of information the hon. Member may like to know that, last year, the cost was £23,000, in 2010, £20,000 and in 2009, £23,000.

Schedule to Question No 110/2012

London Boat Show 2012

SPACE STAND	5967.86
Less participation fees	-300.00
STAND COSTS - DESIGN, INSTALL AND DISMANTLE	9390.00
MISC / REFRESHMENTS ETC	336.93
ATTENDANCE BY GIB BASED OFFICERS OF THE G.T.B.	0.00
GRAND TOTAL	15,394.79

The GTB pays for the stand and then charges local companies for using part of the stand.

175 **Hon. D J Bossino:** Mr Speaker, as I understand it, the London Boat Show is quite an important one for business. The information that I have is that businesses such as sailing schools and yacht charterers lay a lot of importance on this Boat Show, because they take bookings, as I understand it, for the rest of the year, when they attend the Boat Show, so the previous Government laid a lot of emphasis on this particular Boat Show, because they saw it as a way of assisting industry. So, in this context, does the Minister not think it would have been of crucial importance for the Minister responsible for tourism to have attended this particular show?

185 **Hon. N F Costa:** Mr Speaker, the participants at the London Boat Show this year were Ocean Village, Tomboy Sailing and the Rock stand. This is handled primarily by the London Office.

As I have already advised the hon. Gentleman, the costs of the previous years were exorbitantly high. Last year was £23,411, 2010 was £20,737.47 and 2009 was the cost was £23,238.88, compared to the £15,000 spent this year.

190 If the hon. Gentleman were to take some time in looking into the matter, he will see that the turnout in participation in the London Boat Show has dropped year on year and, whereas this is something that has been considered as part of the global tourism policy, that the Cabinet will consider... for Cabinet to discuss, this is

one of the items that would be canvassed. It was not, at this point, thought appropriate to have the *additional cost* of the Minister in the light of the decreasing number of turnouts in the London Boat Show and we felt it was an expense the Government could save at this particular juncture.

195 If we attend next year, it would be a decision the Cabinet would take, having taken into account and having a devised a full, global tourism policy to encompass this Boat Show.

Hon. D J Bossino: Could he confirm that his non-attendance was on account of a cost-saving exercise?

200 **Hon. N F Costa:** Mr Speaker, I have just replied to the question.

No, the answer is that we are looking at the tourism policy globally. That means, of course, Mr Speaker, taking a look at the road shows, the tourist fairs, the boat shows and all of the money that the Gibraltar Tourist Board and, therefore, Government, spends in any international symposium of this type.

205 Whereas I was able to make a determination that, with FITUR, it was important to go and establish fact finding at that point, the particular boat show, the advice received was that it was sufficient to have a Gibraltar presence and, as I say, it does not mean we will not go in the future, it only means that the advice received was that the Gibraltar presence at the moment was sufficient and whether or not the Government takes a policy decision to discontinue or to go next year will be determined in Cabinet. When we are ready to make a policy announcement, as the hon. Gentleman has accused me of already, we shall, no doubt, issue it by way of a press statement.

210

Clerk: Question –

Hon. D J Bossino: Was there any official Gibraltar presence, is that the case?

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Hon. N F Costa: Mr Speaker, the information is in the schedule I have handed the hon. Gentleman, perhaps if he cares to read it?

220 **Hon. D J Bossino:** There is an item in the schedule, which reads, ‘attendance by Gibraltar based officers of the GTB zero’. So, other than physically having the stand there, for which, presumably, the Government paid, was any physical, human presence from the Gibraltar Government. Clearly not the Minister, but was there any other official presence at the London Boat Show, Mr Speaker?

225 **Hon. N F Costa:** Yes, Mr Speaker, I will be able to provide that information to the hon. Gentleman; it is not... I do not have it in my papers, but there was, of course, an official presence in Gibraltar... in the London Boat Show, sorry. I will be able to give him the information if he writes to me.

230 **Hon. D J Bossino:** That is all very well and good and I will take the Minister up on his offer, but the answer in respect of which I posed a supplementary was that the information was set out in the schedule he had handed to me. Can he confirm, in fact, that is *not* the case; the information is *not* set out in the schedule, which he handed to me?

235 **Hon. N F Costa:** Yes, Mr Speaker, the information *is* there. What the schedule says is that the cost was zero, but there was an official presence. The schedule that I handed over to the hon. Gentleman says ‘costs zero’. The GTB pays for the stand and then charges local companies for using part of the stand. The officials present were from the London office.

Hon. D J Bossino: Okay, so there was a presence and the official from the London office, okay, but clearly not revealed from a *prima facie* look at the schedule, Mr Speaker?

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Hon. N F Costa: Mr Speaker, as I have already said, in answer to the question, what the schedule shows is the zero cost of the attendance, not that there was not an official presence.

245

**Gibraltar Tourist Board
Senior management structure**

250 **Clerk:** Question 111, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the positions/posts, which comprise the senior management structure of the Gibraltar Tourist Board?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Gibraltar Tourist Board... the senior management structure of the Gibraltar Tourist Board is made up as follows: there is one Chief Executive, two senior managers, and eight managers.

260 **Hon. D J Bossino:** Mr Speaker, have all these posts been filled?

Hon. N F Costa: Well, Mr Speaker, that will assume that they are unfilled at present.

265 **Hon. D J Bossino:** Are there any posts unfilled at present?

Hon. N F Costa: Mr Speaker, the hon. Gentleman did not ask about the existing vacancies and how the GTB will be replacing them, if there are any vacancies to be filled.

270 I am not about to answer to him in this House as to the vacancies that are open, by whom they are going to be filled, etc. If he wants specific information on that, he will have to give me notice.

Hon. D J Bossino: Mr Speaker, with respect, that was surely implicit in the question.

275 I have asked for details of the positions, which comprise the senior management structure, as part of that structure. He says that the Minister responsible for his Department... If he is truly responsible and in charge of his brief, he ought to be able to know whether the positions are filled or not. It is a basic question. For example, is the Chief Executive position within the Tourist Board filled? Simple question. I would expect a simple 'yes or no' answer.

280 **Hon. N F Costa:** Mr Speaker, first of all, the hon. Gentleman is not in court cross-examining me, (Members: Ooh!) he is asking me questions in the Gibraltar Parliament.

Then let me tell him what he asks, because the hon. Gentleman, who definitely is keen on making announcements and then saying this Government is erecting an *impenetrable curtain* to his questions, what is clear from the questions that he asks is that the answers, which are very clear, are impenetrable only to the hon. Gentleman opposite.

285 Let me tell him what he asks: 'can the Minister for Tourism etc provide details of the positions/posts, which comprise the senior management structure?' That is the question that he asks and I have answered to him to say, yes, one Chief Executive, two senior managers and eight managers. If he had wanted to know the number of vacancies and the process by which my Department would proceed to fill these, that is an entirely different question and I am not answerable in this House to him, to tell him how am I to do that without written notice of those questions.

290 **Mr Speaker:** I think it is a valid supplementary to the question posed and the answer given. I think it is a valid supplementary to say: are all those posts filled?

295 **Hon. N F Costa:** If the hon. Gentleman wants to ask me a specific supplementary on a particular post that he is referring to, I will be happy to give him the answer.

Hon. D J Bossino: Mr Speaker, I really am *astounded* from this side of the House, that the Minister responsible for tourism does not even... is unable to answer the basic supplementary –

300 **Hon. N F Costa:** On a point of order... On a point of order. (*Intervention by The Speaker*) On a point of

order, on a point of order! (*Interjections*)

Mr Speaker: We will listen to the point of order first.

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Hon. N F Costa: On the point of order, I did not say – he has just invented this – I have not said I am unable, I said I did not think it was appropriate, given the original question, not that I am unable to do so. That is very different.

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Hon. D J Bossino: I think the charge remains, Mr Speaker, and the question is –

Mr Speaker: Put the question, please.

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Hon. D J Bossino: And the question is, is it possible that the Minister with responsibility for his Department, which is tourism, appears to be unwilling, shall we say, not necessarily unable, he says he has the ability to do so, but is unwilling to do so, because I have not given him notice. It is a simple question. Is the position of Chief Executive Officer of the Gibraltar Tourist Board filled or not? Simple question. Is he *willing* to answer the question, or isn't he?

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Hon. N F Costa: Mr Speaker, with respect, that was not the original supplementary, but if that is *now* the supplementary (*Interjection by The Speaker*) he is asking – but he should not mislead this House that that was the original, it was not – but if that is the specific supplementary he is asking, there is currently an acting Chief Executive.

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Hon. D J Bossino: Can the Minister advise the House who the acting Chief Executive Officer is? Is he willing to provide that information?

Hon. N F Costa: Sorry, sorry?

330

Hon. D J Bossino: Who the acting Chief Executive Officer is? Is he willing to provide that?

Hon. N F Costa: The hon. Member can look to his right and ask those beside him. It is the same person who has been there since May of last year.

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Hon. P R Caruana: Mr Speaker, that is the answer. It is the same person.

He cannot look to his right. I know that the hon. Members regret finding themselves on this side of the House and wish that we were on that side (*Laughter*) Then I *would* know the answer to the question! But what we are trying to find out is whether there has been a change since they assumed the responsibilities of government.

340

Clerk: Question 112, the hon. D J –

Hon. N F Costa: Mr Speaker, was there a question there or was it just a statement?

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Mr Speaker: There could have been a rhetorical question, but has there been a change? I think that was the question understood.

Hon. N F Costa: And I gave the answer.

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Hon. D J Bossino: When does the Minister envisage the acting position to become a full-time, permanent position?

Hon. N F Costa: We will announce it shortly, Mr Speaker.

355

**Gibraltar Port Authority
Post of Marine Officer**

360 **Mr Speaker:** Question 112, the Hon. D J Bossino.

Hon. D J Bossino: Since Question 4/2012 was put to the Minister for Tourism, Public Transport and the Port, can he advise whether the position of marine officer has now been filled?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the Government is currently in the process of advertising the vacancy.

370 **Hon. D J Bossino:** The Minister, I am sure, will be fully aware that the position of marine officer is a crucial aspect of the –

A Member: Of the Chief Secretary! (*Laughter*)

375 **Hon. D J Bossino:** – of the... is a crucial aspect of the architecture of the... I will repeat the question if the Minister wishes me to? (**Hon. N F Costa:** Yes.) A visual aspect of the port architecture... Can he assure this House that efforts will be made to fill this position as quickly as possible?

380 **Hon. N F Costa:** Yes, Mr Speaker, it has been as crucial today as it was since it was vacant in April 2011. I have told the hon. Gentleman that we are in the process of advertising the vacancy. I trust my official would have, in fact, made the vacancy this morning, but, yes, if it was so crucial today, it certainly would have been crucial all the way back since April 2011, since it became vacant.

Members: Hear, hear. (*Applause*)

385 **Clerk:** Question 1 –

Hon. D J Bossino: Can the Minister advise whether the terms and conditions of the post have been revised? In the last House he mentioned that that was being looked at and, given that the Ministry is now poised to advertise, can he advise whether the terms and conditions have been revised?

390 **Hon. N F Costa:** Yes, Mr Speaker, the only – well, what I can do for the gentleman is, I can certainly provide him with a copy of the vacancy, if he so wishes.

395 I can tell him that, in terms of qualification, obviously, the person needs to be suitably qualified to be able to act as a deputy to the Captain of the Port. Part of the vacancy, from recollection, says that he must have considerable experience in maritime and port administration matters, precisely because he would be deputising for the Captain of the Port. Those are the most important qualifications, Mr Speaker, but, as I say, I am perfectly happy to provide him with a copy of it.

400 **Hon. D J Bossino:** Are you writing separately, or are you providing it to us in any case?

Hon. N F Costa: I will provide it.

405 **Hon. D J Bossino:** As part of the qualification, which is that he has to be suitably qualified, can he advise the House whether that will include the Master Mariner requirements, which I understand is a qualification that the Captain of the Port has?

410 **Hon. N F Costa:** Well, Mr Speaker, what the Captain of the Port has is an *unlimited* Master Mariner's certificate and that is not a requirement for the marine officer. He does not need to have an unlimited... There are two types of Master Mariner's certificate, the unlimited, which is the class 1 and then the other certificate of competence, he would not be required to have the unlimited master's certificate.

Hon. D J Bossino: And if he is going to fully deputise for the Captain of the Port, do you think that would be a qualification that would be desired – the unlimited, what is it, Master Mariner’s qualification?

415 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman will have recalled when I gave my answer to him on the last occasion, there was a period of time where not even the Captain of the Port had an unlimited mariner’s ticket. Let me also tell him that, since this gentleman passed away in May, and there was not a marine officer, there was a sudden departure, as well, of Captain Hall, which meant that, for quite some time, the Port did not have a Captain and did not have a master mariner. That was during the time in their administration, so he can rest assured that, now that we have a Captain starting at the end of February and that we will have a marine officer, hopefully, I feel quite sure that the operational requirements of the Port will be to his full satisfaction covered.

420

425 **Withdrawal of Gibraltar and Algeciras ferry service
Meeting with Managing Director of Medex SL**

Clerk: Question 113, the Hon. D J Bossino.

430 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House, when he met the managing director of Medex SL, in respect of the withdrawal of their ferry service between Gibraltar and Algeciras and what transpired during the meeting?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, at the request of the managing director of Medex, I met him, Mr Rodriguez, on 23rd January this year with two officials present.

440 During the course of the meeting, Mr Rodriguez briefed me on the financial situation of Medex and that the company, in his words, could not even meet the basic running costs of the maritime operation. He proceeded to request a Government subsidy to maintain the operation afloat.

445 Just for the sake of clarification to the hon. Gentleman, when he requested a subsidy, what we are talking about is between €44,000 to €49,000 *monthly*. I informed him that I would immediately hold discussions with the Chief Minister and the Deputy Chief Minister which, true to my word, I immediately did and that we would have a full discussion at the Cabinet meeting the week after.

450 **Gibraltar Port Authority Licensing Committee
Applications awaiting determination**

Clerk: Question 114, the Hon. D J Bossino.

455 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the applications which are currently before the Licensing Committee of the Gibraltar Port Authority which are awaiting determination by the Authority?

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

460 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, I will answer this Question together with Question 115.

465

**Gibraltar Port Authority
Dates of meetings since General Election**

470 **Clerk:** Question 115.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism, Public Transport and the Port provide the dates of the meetings held by the Board of the Gibraltar Port Authority since the last General Election?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Gibraltar Port Authority will meet on 22nd March this year. There are currently five applications. In fact, there were five applications at the time the answer was drafted. Now there are four applications pending. There is one application for a tourist sightseeing operator licence, one application for a waste operator licence, one application for a ship agency licence and one application to transfer a bunkering licence.

480 **Clerk:** Question 116 –

Hon. D J Bossino: Again, Mr Speaker, I am rather surprised that the Gibraltar Port Authority, which has very wide and crucial statutory powers which it has to discharge, has not met once since the General Election of 8th December and that the first meeting has been scheduled for 22nd March.

As I understand it, the Minister is the Chairman of that Authority. Can he at least advise whether he has met with the current members of the Port Authority, even informally?

490 **Hon. N F Costa:** Mr Speaker, in the first place, the Government is in the process, obviously, of making the composition of the new Port Authority, but if what the hon. Gentleman is concerned about is to ensure that there is no effect on the operations of the Port, I can assure him that, other than personally attending to the Port on a couple of occasions, I meet regularly with the Senior Port Officer and with the acting Captain. I can assure him that no operations of the Port are being affected by the fact that the Port Authority has not met yet, and when it does, of course, it will be able to do so very quickly... deal with these applications.

495 But I can assure him that no operational activity or business is being affected.

500 **Sea Trade Fair in Miami
Government participation**

Clerk: Question 116, the Hon. D J Bossino.

505 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port inform the House whether the Government intends to participate in the Sea Trade Fair in Miami, USA?

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

510 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, yes.

Hon. D J Bossino: Has the Minister decided who will be forming part of the Government delegation at this stage?

515 **Hon. N F Costa:** Mr Speaker, we are in the process of finalising that detail, but the reason why we felt that it was important to attend the Miami Sea Trade Fair is essentially because of the nature of the explosion.

We want to take the opportunity to meet with the current operators to assure them of the safety of the Port and, of course, not just existing operators but also we have already set up meetings with various operators to ask them and make representations as to why, if they are cruising the Mediterranean, they should come to stop in Gibraltar.

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525 **Hon. P R Caruana:** Mr Speaker, is the Hon. Minister aware that, whilst we, on this side of the House, welcome the fact that he should continue to attach importance to the comfort that the Port offers cruise operators in particular, that process had already begun under his predecessor and what we found, when we were on that side of the House, was central to that was a commitment by the Government, which was not actually given but it was indicated that the Government – and indeed I gave it in this House – was going to try to deconflict fuel activities from passenger-handling activities at the Port.

530 Therefore, does the hon. Member agree that continuing to try to relocate the sullage plant and, indeed, other fuel-handling facilities on the North Mole, will be an important part of giving comfort to cruise lines, particularly the affected ones which stood by the Port of Gibraltar, and that, as cruise ships become bigger, longer, the front or the back reaches even the most southerly fuel facility in Gibraltar.

Does the hon. Member therefore attach importance to continuing, as we had started to do, with investigating the possibility of coming to some arrangement with fuel operators to relocate them to other places?

535 **Hon. Chief Minister:** Mr Speaker, if I might, because this touches on an area in which the hon. Gentleman was himself involved when he was Chief Minister and I am now involved myself.

540 As he is aware, there is litigation by one operator touching and concerning exactly these issues, and I think it is probably wise for us not to get into the detail of that at all today. In fact, I think the rules will prevent us from doing so. But let me put it to him this way: I am not going to dispute what he is saying. I think that is sufficient. At least he will understand where we are going.

Clerk: Question –

545 **Hon. P R Caruana:** Yes, Mr Speaker, I am grateful to the hon. Member and I acknowledge his difficulty. Our Government had not proposed necessarily to proceed by compulsion. The question was carefully phrased around trying... in agreement with fuel operators, and that certainly would have been our preferred option, as I am sure it will be his.

550 **Hon. D J Bossino:** Mr Speaker, on a different matter, but it touches upon the answer given to the Sea Trade question, I appreciate that the Minister has been in office for about three months, but given his attendance at the FITUR Fair and the Government's apparent presence at the London Boat Show and now the intention to attend the Sea Trade Fair, it is looking very much like the previous administration did. Can the Minister advise whether he thinks there is, in fact, now a departure from previous GSD policy in relation to tourism marketing, which was so very much maligned and criticised by his colleague to his left?

555 **Hon. N F Costa:** Mr Speaker, perhaps the hon. Gentleman did not hear the part of the answer originally when I told him that the reason why I went to FITUR was precisely to determine whether or not the international markets *do* give value for money. Does he remember now? Does he want me to carry on?

560 **Hon. D J Bossino:** It is interesting that, in relation to the FITUR Fair, Mr Speaker, the costs were £10,000 more than last year, but anyway... A very expensive fact-finding mission.

Hon. N F Costa: Sorry?

565 **Mr Speaker:** Was there a question there? There should not be remarks... (*Interjection*) ... 'expensive fact-finding mission'.

Hon. N F Costa: In respect of what?

570 **Hon. D J Bossino:** The Minister is saying that he went to FITUR on a fact-finding mission. (*Interjections*)

Mr Speaker: Order! Order! Order!

575 The hon. Member said there is no question. Really, we must get used to the practice of asking questions. Next question, please.

Transport Commission
Dates of meetings since General Election

580 **Clerk:** Question 117, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide the dates of the meetings held by the Transport Commission since the last General Election, together with a list of all applications currently pending the Commission's determination?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the Transport Commission will meet on 29th of this month.

590 There are currently 13 applications pending: seven applications for renewal of a licence to drive a PSV omnibus; four applications for a renewal of a licence to drive a PSV taxi omnibus; one application for a renewal of a licence to drive a PSV taxi and omnibus; one application for a transport operator's licence.

I am advised by the Gibraltar Regulatory Authority that I cannot disclose the specific details of the applications but I was allowed to list the applications and the categories that were...

595 **Hon. D J Bossino:** Mr Speaker, again, this is a Statutory Board body which has very important statutory powers to discharge, which include advising the Government on matters relating to public transport.

Does the Minister not agree with me it is a very sad and sorry state of affairs that a Commission of this nature, a statutory body of this nature, has, three months in since he took office, not yet met?

600 **Hon. N F Costa:** Mr Speaker, perhaps I can answer the question in this way: we have been in Government for two-and-a-half months and they had been in Government for 15½ years and, in 2011, between 31st May and 19th October, four-and-a-half months, there were no sittings of the Transport Commission.

605 **Hon. D J Bossino:** Well, certainly the membership of the Transport Commission has changed, because I was a member of it and I resigned, given my new role. *(Interjections)* Can the –

Mr Speaker: Order! Order! *(Interjections)* Order! Order!

610 **Hon. D J Bossino:** I am grateful, Mr Speaker.

Can the Minister advise whether the membership of the Transport Commission has already been gazetted, because I have not seen anything published in the *Gazette*.

615 **Hon. N F Costa:** Mr Speaker, I gave instructions for that to happen last week. I will double check now with my office, but if it did not happen last week it should certainly happen this week.

Hon. D J Bossino: I dare say, Mr Speaker, it was as a result of the notice of my Question.

Hon. N F Costa: No, Mr Speaker –

620 **Mr Speaker:** There was no question there.

Hon. N F Costa: No, Mr Speaker, but the answer is certainly no. *(Interjection by Hon. D J Bossino)*
(Laughter)

625 **Hon. P R Caruana:** Mr Speaker, is the Hon. Minister saying to this House... Did he say to this House – I think I heard him correctly – that the Gibraltar Regulatory Authority had advised him that he could not give details of pending applications?

630 **Hon. N F Costa:** Specific details of applications.

Hon. P R Caruana: Yes, well, Mr Speaker, is the hon. Member aware that the GRA never gave advice of that nature to the previous Government, and they themselves, when sitting on this side of the House, did not feel that any data protection consideration arose when they used to ask similar questions about applications for Development and Planning Commission building licences and the sort?

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Are we experiencing yet another example of the hon. Members *slamming* the stable door behind them as soon as they have entered the stable?

Hon. Chief Minister: Mr Speaker, certainly not, because, given that the hon. Gentleman has so much time on his hands,

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Hon. P R Caruana: [*Inaudible*] ...the Hon. Minister, not to the Hon. the Chief Minister. (*Interjections*)

Mr Speaker: Order! Order! (*Interjections*) Order! Order! Order!

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Hon. J J Bossano: He used to answer all the supplementaries before!

Hon. P R Caruana: A new dawn!

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A Member: Mr Speaker –

Mr Speaker: Order!

Hon. Chief Minister: I am on my feet to give the answer.

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Hon P R Caruana: A supplementary!

Mr Speaker: Order! Order! Order! The... Order! The Chief Minister has the discretion of deciding who answers questions. (*Interjection*)

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Then what are we complaining about?

Hon. P R Caruana: Mr Speaker, the Chief Minister has the discretion. Mr Speaker, it is *not* the role of the Speaker in this House to protect the Government politically from the Chair.

Mr Speaker, just as he is entitled to stand up and answer the supplementary, I am entitled to stand up and ask him why it is not the person who was asked the question that is answering it.

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The Hon. Minister gave an answer. The simplest form of supplementary, designed to establish the *reasonableness* of the original answer is not answered by the answerer, but by the Chief Minister, in an attempt to deflect the obvious point, and I am asking Minister Costa, if he cannot answer, then let him not do so. Let him say that he cannot.

My question to him is: what is the difference, in data protection terms, between these questions and the ones that *they* used to ask, particularly Dr Garcia, in relation to such things as planning applications and other applications pending in many areas of public life. I am holding him to his answer, that the GRA has given him the advice that he has said in his answer.

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Mr Speaker: Well, having heard the Hon. Leader of the Opposition, it is still my view that the Chief Minister can decide who answers on his side.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman asks a question about *they – us* – closing the door behind us, and of the Government. He has tried to rephrase it to make it of the hon. Gentleman, but his general question originally merits an answer.

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Mr Speaker, the hon. Gentleman has a lot of time on his hands now. He can now attend public meetings of the Development and Planning Commission, something which he, in Government, was never in favour of. In those meetings, he can see exactly what is happening in respect of every application, something that he, in Government, prevented the public from doing.

In *his* manifesto he suggested that perhaps minutes of those meetings might be published. In our manifesto we promised that they would be open. So, in respect of the part of his supplementary that deals with the

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Development and Planning Commission, the position has changed so greatly, we have opened the doors and opened Government to scrutiny so *massively* that the changes are patent for all to see, and it could only be in an attempt to make a cheap, petty, political point less than 20 minutes after he has arrived *late* to this session of the Parliament, that anybody could want to ask a supplementary like the one the hon. Gentleman has asked.

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I think it is absolutely right and proper that a Minister should take advice from the Regulatory Authority in respect of data protection issues and stand by that advice. Is it that he is saying, Mr Speaker, that having taken the advice we should contradict it?

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Hon. P R Caruana: No, Mr Speaker, what I am trying to establish from the hon. Member is the accuracy of his answer, that he has had advice to the effect and purport that he believes does not entitle this House to this information.

For example, Mr Speaker, does it not strike the Hon. the Chief Minister, given that he has no confidence in his Minister to defend himself on this issue (*Interjections*) –

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Hon. Chief Minister: Mr Speaker, on a point of order – and therefore he must sit down –

Hon. P R Caruana: Does it not strike the Hon. –

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Mr Speaker: Order! Order!

Hon. Chief Minister: On a point of order, Mr Speaker.

Mr Speaker: There is a point of order.

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Hon. P R Caruana: Mr Speaker –

Mr Speaker: There is a point of order.

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Hon. P R Caruana: A point of order is to be established by the Chair, not by the Chief Minister!

Hon. Chief Minister: I have to pronounce it first!

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Mr Speaker: A point of order has been raised. I have to listen to the point of order before I can pronounce on it.

Hon. P R Caruana: Every time I ask a question I am interrupted by a point of order.

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Hon. Chief Minister: Mr Speaker, I *specifically* said that the reason I was answering was not because I have no confidence in my Minister. I have full confidence in all of my Ministers, as does, obviously, a majority of the electorate, because that is why we are here and they are there. (*Interjection by Hon. P R Caruana*)

The reason that I got up to answer the question was because I said that – (*Interjection by Hon. P R Caruana*)

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Mr Speaker: Order! Order!

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Hon. Chief Minister: – the hon. Gentleman asked a question of the Government and not of the Minister. He misrepresents what I said a moment ago, and that is how we get ourselves into lengthy debates. I would ask that, given that they are going to have, not two or three chances a year to hold the Government to scrutiny – they are going to have 10, 11 or 12 sessions a year to hold the Government to scrutiny – he should simply not misrepresent the things that we are saying, because otherwise Question Time becomes extended into a slinging match, which is not what the public are interested in.

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Two Members: Hear, hear.

Hon. P R Caruana: Mr Speaker, first of all, the hon. Member does *not* have the confidence of the majority of the electorate; he has the confidence of a minority of the electorate –

745 **A Member:** More than you!

Hon. P R Caruana: – a fact that he should not forget.

750 Secondly, Mr Speaker, we on this side of this House will not accept the mantra that he appears to be trying to establish, which is that the frequency of the opportunity that we get to ask questions in this House degrades the quality of the Government's obligation to provide information in this parliament and to answer questions, and we will challenge in this House, as frequently as possible, waffly answers like that, which are just designed to deny questions to this House.

755 Mr Speaker, I cannot have misrepresented anything that he said, because I was not into my second *sentence* before he had interrupted me with an alleged point of order, (*Interjection*) which Mr Speaker was perfectly happy to allow, which was just a pretext to repeat the waffle that he had just served up immediately before already.

760 Mr Speaker, the question was this: does it not strike the Hon. Chief Minister as odd that the Chief Executive of the Gibraltar Regulatory Office should have advised his Minister that he cannot provide details of applications to this House precisely because – does he not think it odd, *precisely because* – as he has just said, these applications are considered in public? Why does the hon. Member think that there should be a data protection issue and that the GRA would have advised the Minister that he cannot provide information to this House and the very next thing that the Chief Minister says in this House is that it is in the public domain because he could have gone to hear it *live* in the Commission.

765 Mr Speaker, it is not appropriate that the hon. Members should deny to this Opposition in this House information of the type that they felt free, justified and entitled to ask when they were in Opposition and which we *gave* them when we were in Government, and therefore, Mr Speaker, I ask the hon. Member to reconsider his answer to the question, which is that when the Opposition asks for information about matters that are before these decision-making tribunals, they should give it to us as we used to give it to them for the benefit of Parliament, and that, therefore, Mr Speaker, the question of frequency of Parliament meetings is not germane to that question.

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Hon. Chief Minister: Mr Speaker, there is no point in taking each other on, expressing that what one is saying is waffle and what the other is saying is waffle, because let me assure him that if he thinks I am talking waffle, there are no words which are parliamentary enough for me to describe the sort of things that he says. That is first.

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Second, our recollection on this side of this House is that we never used to get information relating to what was before tribunals. In any event, if there is an interest in the hon. Gentleman obtaining this information, he can turn up, as he rightly says, to the Commission and hear what is going on at those hearings. (*Interjection by Hon. P R Caruana*) In any event, Mr Speaker, information which is public should not be asked about.

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Mr Speaker, the position is actually not about *any of that*, because the hon. Gentleman is trying to avoid the principal point, which is that we have advice from somebody who is responsible for data protection, who tells us that we should not be providing the information and he is the person responsible for determining what is or is not to be provided in terms of data protection, so we rely on that answer. The hon. Gentleman can write to the Gibraltar Regulatory Authority and ask them to change their advice to the Government, if he wishes to.

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Hon. P R Caruana: Mr Speaker, have I correctly understood his answer, therefore, to be that if I want the information it is available if I bother to turn up in person to the tribunal, but that this Parliament *cannot* have it on the basis of some pretext relating to the Data Protection Act, which apparently does not apply to the people in the public gallery of the tribunal or the hearing? It is an *incredible, unbelievable* answer, which this side of the House does not accept as to its accuracy. (*Interjections*)

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Hon. Chief Minister: Mr Speaker, how *dare* the Hon. the Leader of the Opposition say that something that the Government is saying is a pretext?

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Hon. P R Caruana: Yes, it is.

Hon. Chief Minister: We are saying clearly to him and to the community that we have taken advice on the issue, that the advice from the person responsible is that we should not disclose the information, that there is no secrecy agenda, that he can turn up to a tribunal and hear what is going on.

800 Well, Mr Speaker, if he does not like it, it is *his* data protection law that we are relying on, it is *his* Data Protection Commissioner that is giving us the advice, because all of these laws... and this particular individual was appointed in his time and we have no difficulty with that. We are simply seeking to act in accordance with advice that we have been provided.

805 But, of course, the hon. Gentleman needs to try as hard as possible to denigrate the absolute and complete transparency that this Government has brought to politics in Gibraltar. (*Applause and banging of desks*) He has to try, by a pretext, at every possible invitation to pretend that we are being more secretive than them. He has to pretend that what he could have done in the past 16 years with a flick of his pen, which was to call a meeting of this Parliament every month, means *nothing* in the context of openness, of transparency and of accountability, because we will not answer a question giving him a list of matters before a tribunal.

810 Well, Mr Speaker, I have told him before and I will tell him again: he seems to have plenty of time on his hands – he can go and sit in the Commission and make a list of the matters as they are called.

815 **Hon. P R Caruana:** Mr Speaker, what is becoming apparent to this side of the House, as indeed it is becoming apparent to much of Gibraltar, quite so recently after a General Election, is that the hon. Member's alleged commitment to transparency and open Government is *paper thin* and it is uttered with a forked tongue. (*Applause*) It actually does not materialise in public. It is froth. It is political mantra adopted for the purposes of *sounding* good, but then it does not actually get delivered in the practice. So I will denigrate the hon. Member's attitude for denying *this* Opposition information which was freely given to them by us when we were in Government, which they felt free to ask and did ask and we answered, and which we now ask from this side of the House, now that the boot is on the other foot, and they answer...

820 Can I ask the hon. Member whether the advice that is alleged to have been tendered to them by the Data Protection Commissioner was tendered spontaneously or was it *sought* by the Government?

825 **Hon. Chief Minister:** Mr Speaker, the only thing that is paper thin is the veneer that the hon. Gentleman sets up around his sour grapes at having lost the Election. The only froth that we see from this side of the House is the froth of the hon. Gentleman trying to continue to make himself relevant to the political debate in this town.

Mr Speaker, the only political mantra that bears any repeating, as far as the hon. Gentleman is concerned, is the political mantra of trying to denigrate a Government that is barely nine weeks into its job.

830 Mr Speaker, I will say to the hon. Gentleman, let him go into the *Hansards* and identify when this Opposition asked the question of the number of matters pending in the Transport Commission and they gave more information than they have been given today, because that is the premise on which he launches his questions. Let him find it and bring it to the House.

835 **Hon. P R Caruana:** No, Mr Speaker, that is not the premise of my question. The premise of my question is not specific to the Transport Commission. The premise of my questions has been generic, not specific, to asking about information on matters before statutory decision-making commissions and tribunals. Surely the Hon. Dr Garcia will remember his regular questions about matters considered and before the Development and Planning Commission. This House – all the Members that were in it in the past Parliament – will remember it.

840 But he has not answered my supplementary, which is: was the advice by the Chief Executive of the GRA sought or given? I armour him with my motives for asking that supplementary, and that is that, as far as I am aware, the very same Data Protection Commissioner never gave *spontaneous* advice to that effect, and therefore I have to assume that it was specifically sought. I am asking him was it specifically sought, the advice, or was it spontaneously tendered by the GRA without having been solicited by the Government.

845 **Hon. Chief Minister:** Mr Speaker, I am grateful that the hon. Gentleman has realised that he was careering fast towards a wall in insisting that they had asked questions about the Transport Commission before, when clearly they had not, and that he has turned just in time before the brakes failed.

850 Mr Speaker, as I understand it, in relation to the second part of the hon. Gentleman's speech, the advice was sought on the recommendation of a civil servant who saw the question and felt that it required such

advice, and therefore it was sought on the basis of the recommendation of a civil servant.

Hon. P R Caruana: And therefore it was sought by No. 6?

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Hon. Chief Minister: Mr Speaker, it was sought by the civil servant who was dealing with the issue for the Minister. You see, the days of control at No. 6 are a thing of the past.

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**Yachting tourism in Gibraltar
Government policy**

Clerk: Question 118, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise the House what the Government's policy is in relation to yachting tourism in Gibraltar?

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

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The Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, in line with other areas related to tourism, the Government's policy is to increase the visitor numbers, be they from visiting yachts or cruise ships or coming through the border or through the airport.

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Government has been, since being elected into office, meeting stakeholders in order to formulate and eventually establish a detailed policy plan in order to achieve the objective of increasing tourist arrivals and therefore tourism-generated revenue for Gibraltar.

Of course, an increase in passenger numbers cannot happen without also considering the existing transport infrastructure, which the Government is also addressing equally by a similar process of engaging in an extensive process of dialogue and consultation with the relevant stakeholders in their field.

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At the same time, I am dealing with the Gibraltar Tourist Board and the relevant operators in that field to engage in devising – as I have already said in this House now, I believe, on three occasions – a global and holistic tourism policy.

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SPORTS, CULTURE, HERITAGE AND YOUTH

**City Fire Brigade
Commencement of new Fire Station**

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Clerk: Question 119, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for the Fire Brigade state when the full audit of the City Fire Brigade will commence and how long does he envisage it will take?

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Clerk: Question 119.

Mr Speaker: Wrong Question – 119. I think the hon. Lady has missed Question 119.

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Clerk: Question 119.

Hon. Mrs I M Ellul-Hammond: My apologies, Mr Speaker.

Mr Speaker, can the Hon. the Minister for the Fire Brigade state when the Government will be commencing work on a new fire station and where?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this Question together with Question 120/2012.

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**City Fire Brigade
Commencement and length of audit**

915 **Clerk:** Question 120.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. the Minister for the Fire Brigade state when the full audit of the City Fire Brigade will commence and how long does he envisage it will take?

920 **Clerk:** Answer, the hon. the Minister for Sport, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, it is not known how long the audit review of the City Fire Brigade will take, but it will definitely commence before 9th March 2012.

925 Following the completion of the full audit review, Government will be in a better position to consider the specific requirements for the new fire station and advice on where it should best be located.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise who will be conducting the audit?

930 **Hon. S E Linares:** Mr Speaker, the Chief Fire Officer is currently looking at two forces: one from Scotland and one from the Home Office. Once we have established the connections and contact with them and given them the remit, we will decide which force will actually do the audit.

935 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister give us an indication on how much the audit could cost us?

Hon. S E Linares: No, not at this stage, because we do not know how long it will take and what the length and the extent of the audit is, so we cannot at this stage, no.

940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the location of the new fire station, seeing that in the Government's manifesto, you state that, within three months of your election as a Government, you will commence work on a new fire station as a priority, does the Hon. Minister have an idea as to where the new fire station would be located?

945 **Hon. S E Linares:** Mr Speaker, the manifesto states that we will be conducting the review within three months, not the fire station – the commencement of work on the fire station. But be that as it may, we are expecting that, after the review, we will be in a better position, like I answered in my question, and that will include locations, because these experts come and do the review, they could also help us in giving us advice on where the best location would be.

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**25-metre swimming pool
Details of temporary closure**

955 **Clerk:** Question 121, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure provide details of the occurrences which led to the temporary closure of the 25-metre swimming pool on Saturday, 4th February, with details of the remedial works required to be carried out and estimated timescales of completion?

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

965 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the ducts for the humidifier at the 25-metre swimming pool which had not been working for more than six years collapsed into the spectator stand some time during the night of 3rd and early morning of 4th February. Had this happened during the day, it would have caused a catastrophe.

970 When the workers arrived in the morning to open the premises, they realised what had happened and obviously closed the pool to the swimmers and the public. The emergency section of the GJBS was subsequently called upon to remove all debris from the stands area, the poolside and the pool itself. Instructions were further given to remove all the ducts that had remained attached to the ceiling of the pool.

975 A Health and Safety inspection and a structural survey of the ceiling was conducted by officers of the Government Technical Services Department on Monday 6th/Tuesday 7th. On Tuesday, an air quality inspection was carried out by two of our senior officers from the Environmental Agency. On Wednesday, a further structural survey was conducted and some minor repairs to tiles and doors were done to satisfy the Health and Safety officer. The pool was reopened to the swimmers and the public by Thursday.

Hon. E J Reyes: Mr Speaker, would it possible at this stage to have an idea of the estimated costs involved now in carrying out those remedial works that were undertaken?

980 **Hon. S E Linares:** No, they have not sent the invoice yet.

**Culture and Heritage Agency
Number of employees**

985 **Clerk:** Question 122, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Mr Speaker, can Government state how many persons are currently employed by the Culture and Heritage Agency, giving a breakdown by grade, sex, nationality and department?

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

995 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the current information the hon. Member is seeking is the same as existed before 8th December 2011 and therefore I pass the information in this schedule (*on the following page*).

1000 **Hon. E J Reyes:** Mr Speaker, in thanking the hon. Member for this information, I was rather surprised that, at the last meeting, I sought this information through a written question, and the reply I got was that the Government was not yet in a position to provide the information, and yet the Minister now says that there has been absolutely no change from last time.

Could the Minister explain why the information was not available last time round?

1005 **Hon. S E Linares:** Yes, Mr Speaker. Very simply, because when I got the Culture and Heritage Agency, the whole Agency was a mess, quite frankly. There were people from all GDCs, civil servants, private companies, all bunged into a last-minute signing off of these posts, so it has taken a little bit of time, and I was not at the moment in a position to give the hon. Member the information.

1010 Now I have gathered that information. We are still trying to reorganise and reschedule the whole of the Culture and Heritage Agency. We are still doing that.

But, as it currently stands – and the question was ‘currently’ – that is the information which I have given him, which has existed even before 8th December.

ANSWER TO QUESTION 122 OF 2012						
GIBRALTAR CULTURE & HERITAGE AGENCY EMPLOYEES						
TITLE	FIRST NAME	SURNAME	DEPARTMENT	GRADE	GENDER	NATIONALITY
Mr	Carl	Viagas	Culture/Heritage	CEO	M	BRITISH
Mr	Joseph	Brown	Culture	Technical G2	M	BRITISH
Mrs	Angela	Bula	Culture	Grade 4	F	BRITISH
Mr	Seamus	Byrne	Culture	Grade 4	M	BRITISH
Mr	John	Capurro	Culture	Grade 1	M	BRITISH
Mrs	Diana	Cavilla	Culture	Grade 1	F	BRITISH
Mrs	Doris	Gaduzo	Culture	Grade 1	F	BRITISH
Ms	Yolanda	Plicher	Culture	Grade 4	F	BRITISH
Mrs	Yvonne	Richardson	Culture	Grade 1	F	BRITISH
Mr	Victor	Soza	Culture	Technical G3	M	BRITISH
Mrs	Beryl	Zammit	Culture	Grade 1	F	BRITISH
Ms	Yvette	Zarb	Culture	Grade 6	F	BRITISH
Dr	Jennifer	Bailantine Perera	Culture/Garrison	Grade 5	F	BRITISH
Ms	Jade	Anes	Heritage	Grade 1	F	BRITISH
Dr	Darren	Fa	Heritage	Grade 5	M	BRITISH
Dr	Geraldine	Finlayson	Heritage	Grade 6	F	BRITISH
Prof	Clive	Finlayson	Heritage	Grade 6	M	BRITISH
Mr	Stewart	Finlayson	Heritage	Grade 3	M	BRITISH
Ms	Sylvia	Mifsud	Heritage	Grade 1	F	BRITISH
Mrs	Alicia	Montado	Heritage	Grade 1	F	SPANISH
Mrs	Mane	Mosquera	Heritage	Grade 3	F	BRITISH
Mrs	Annabelle	Revagliatte	Heritage	Grade 2	F	BRITISH

1015 **Hon. E J Reyes:** Mr Speaker, I am a bit surprised with that because, before 8th December, all these persons were already registered at the Ministry of Employment as actually pertaining to the Agency, so at least that basic information should have been quite easily available, given the few days' notice that we gave for the question.

Am I correct in now interpreting what the Minister is saying, that he now intends to review further the structure and the employees to be working from within the Agency?

1020 **Hon. J J Bossano:** Mr Speaker, I think the hon. Member has been misinformed as to the registration of the changes. We are now, in the Employment Service, catching up with a backlog of something like a year, with the Health Authority, of jobs that are no longer there and jobs that have been filled where the records of the Employment Service have never been updated, and that is true of almost all the authorities and all the agencies.

1025 So the information that all were registered with the ETB is not correct.

Hon. E J Reyes: Mr Speaker, can the Hon. Minister now answer the second part of my question, which was, am I correct in interpreting from what he was saying, that he intends to carry out a review and modifications on the number and rate of employees within the Agency?

1030 **Hon. S E Linares:** Yes, sir.

Hon. E J Reyes: And, Mr Speaker, does he have any idea when this exercise will be carried out and by when it will be completed?

1035 **Hon. S E Linares:** Ongoing.

Hon. E J Reyes: It may be ongoing, Mr Speaker – I have asked does he have any idea by when it will be completed?

1040 **Hon. S E Linares:** No, sir.

ENTERPRISE, TRAINING AND EMPLOYMENT

1045 **Widows' and Orphans' Pension Scheme**
Selective voluntary reactivation for civil servants

Clerk: Question 123, the Hon. J J Netto.

1050 **Hon. J J Netto:** Mr Speaker, has the Government informed certain civil servants that the Widows' and Orphans' Pension Scheme has been reactivated on a voluntary basis?

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

1055 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question with Question 124.

1060 **Widows' and Orphans' Pension Scheme**
Retired civil servants able to opt back in

Clerk: Question 124.

1065 **Hon. J J Netto:** Mr Speaker, has the Government introduced a scheme for retired civil servants who opted out of the Widows' and Orphans' Pension Scheme to opt back in again?

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

1070 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** No, Mr Speaker. Once any necessary amendments to the Civil Service Widows' and Orphans' Act have been made, those eligible will be informed.

1075 **Hon. J J Netto:** Therefore, Mr Speaker, when the hon. Members opposite in their manifesto stated, and I quote:

'The Widows' and Orphans' Pension Scheme will *immediately* be reactivated on a voluntary basis for serving civil servants'

was it just a political comment at the time of the election?

1080 **Hon. J J Bossano:** Well, Mr Speaker, it was no more than when they put in their manifesto that a new scheme had been introduced to provide for orphans and widows which, in fact, has not happened. They put in their manifesto that they had already introduced a new replacement scheme, and they *had not* introduced it and they were not telling the truth in their manifesto.

1085 The reality of it is that the immediate provision of the previous WOPS which dates back to 1958 was made on the assumption that we did not need to change any legislation, in order to provide it. There is no evidence that there is a requirement to do this in terms of meeting a demand – that is to say, the position is, if the hon. Member remembers, that when I asked the question about giving people the opportunity to opt back in, the answer that his Government gave me a number of years ago was that there was no evidence that civil servants, in fact, wanted to go back to the old WOPS and that when we had the last debate, the hon. Members opposite at the time, on this side, thought that there was nobody left in the Civil Service, we discovered that there was one person left who was the Clerk of the House.

1090 We are going to do it, simply to make it available, but not because we expect to see anybody actually turning up with the desire to re-enter. I can tell him that the commitment is to go back to the original provisions, which is that people would have to pay 1.5% of their salary and, going on the basis of what was there in 1958, they would have to pay the arrears for all the years that they have not paid, and that those arrears would have to be paid with 3% interest.

The feedback that I have had recently is that, as a result of 100% commutation, there are many people who think they will be better off by commuting, because then they will be able to invest that money and have the *entire* amount of money available for their estate and for their widows.

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So, we are going to do it, because we promised that we would do it, but not because we expect there is going to be any take-up.

Hon. J J Netto: The fact is that he will confirm that it was a political con, because the manifesto actually said it would be done immediately. Three months in Government, you have not done it. You promised something to buy votes from the Civil Service and you have not delivered. That is the fact.

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So can I ask, Mr Speaker, given that he has confirmed that it was a political con (*Interjection*), given that it was him as Chief Minister, when he actually stopped the Widows' and Orphans' Pension Scheme back in 1989, and as a result since then, there have been many civil servants who have gone into employment and now have been in employment all throughout this time, how is it going to work for those particular civil servants to recuperate a number of years for which they have not been able to contribute towards this fund?

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Hon. J J Bossano: Mr Speaker, if we conned the electorate by promising something that apparently nobody wants, then I have to tell him the con that he perpetrated was even bigger, because he actually went with a manifesto saying he had introduced something that had not been introduced. Apparently, it is perfectly alright for him to go and tell people that the Government has already introduced a Widows' and Orphans' Scheme, which in fact was not introduced, was offered to the civil servants, was rejected by the civil servants. It is not there: they were lying in the manifesto when they said they had done it. They had not done it!

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We promised to do it on the basis that there had been representations made to us by retired civil servants and therefore we were committed to do it. I have already told him, as far as we are concerned, when it would be done and the law is changed it will be available with effect from 9th December or available from the day the guy entered because, at the end of the day, what we are saying is that anybody that opted out, or anybody that joined and did not opt in, would be able to opt in. But the hon. Member seems to have forgotten that, for years, they were saying that there was no interest in the scheme, and he seems to be now telling me that we won the election on the basis of offering something that we have not done in the first nine weeks but that we intend to do.

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Hon. J J Netto: Which you said 'immediately'.

Hon. J J Bossano: Yes, and he said he had *already* done it, Mr Speaker! So I said 'immediately' and I have not done it, (*Interjections*) and he said 'done it already' and he was lying even during the Election! (*Interjections*)

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He can only accuse me of not being 100% able to deliver the commitment in nine weeks. He actually lied before the Election by telling people that he had already done something.

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Mr Speaker: Order! Order! Order!

I don't want to interrupt the Minister, but he used the word 'lying' earlier on, and you said 'lying' – (*Interjections*)

Hon. J J Bossano: I am not saying he lied himself, Mr Speaker; I am saying the manifesto on which he fought the election contained a lie, which was that something had been introduced which was not introduced. Now if he thinks it is such a horrendous crime for me not yet to have done in nine weeks what I said I would do immediately, even though it will have no effect, because there is nobody who has retired in those nine weeks who will not be able to opt in, because people will be able to opt in, if they are in service or they will be able to opt in if they are retired. So if somebody has retired in those nine weeks and wants to come and join WOPS, he will still be able to do it. The guys are still alive! Nobody has died in these nine weeks and therefore there are no widows and orphans that have been left high and dry!

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So the reality is the hon. Member is trying to make a big issue of something that is not a big issue because, as happened in his time, there is no evidence that anybody, when we do it, is actually going to take it up. We are going to do it, because we said that we would do it, not because we think there is a huge demand – or *any demand at all* for that matter, and I have told him that, in fact, what I have done – which was also in the manifesto, although not spelled out – is that we have introduced the opportunity for civil servants to commute

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1155 not just 25% of their pension but 100%, and that by commuting 100%, the feedback I have had is that, in fact, people think that that is a better alternative than the WOPS because they do not have to pay anything; they will be able to get a lump sum and therefore if they can get a reasonable return on that lump sum, it may be less than their pension, but if something happens to them, you know the whole of the estate, the whole of the value of their years of service will be available to their widows or their children.

So the fact is that we have put something already in place which probably is better than the WOPS, but we are still going to do the WOPS.

1160 **Clerk:** Question 1–

Hon. J J Netto: Just one more further supplementary.

1165 The Hon. Minister did actually say that he intends to bring about changes to the legislation. Can the Minister indicate by when he thinks he will be in a position to bring those particular amendments to the legislation?

1170 **Hon. J J Bossano:** Well, I cannot tell you, because I do not know how long the people who draft these things take to draft them. They seem to be taking an inordinate length of time for some of the things that I thought could be done almost overnight! So it seems to take long – *(Laughter)*

Hon. P R Caruana: Five minutes! If only it could be done in five minutes! *(Laughter)*

1175 **Hon. J J Bossano:** I thought it could be done in 24 hours! *(Laughter and interjections)* I thought it could be done in 24 hours, because I did not think there was a need to change the law! *(Interjections)* And I simply did not think the law draftsman would take so long to do things that appear to me to be quite simple and straight forward! So I cannot give him a date.

But I can assure him that nobody will actually be prejudiced if it takes longer than I would wish it to take, because there is no evidence that people are queuing up to make use of this.

1180 **Hon. P R Caruana:** Mr Speaker, I think I heard the hon. Member correctly to say that he was reintroducing, in effect, the old WOPS on a voluntary basis, and I will not refer to his comments about our manifesto – not just in our manifesto; the hon. Member will recall that it was in my Budget speech last year, the introduction of the Spouses' and Dependents' Scheme and that, indeed, the legislation was going to be retrospective to the Budget, but for the same reason, there was just not enough legislative opportunity.

1185 But that brings me to my supplementary, which is, in restoring the WOPS – and it remains to be seen whether there is demand for it or not – obviously, some people thought it sensible, even when there was a commutation opportunity – would the hon. Member at least consider one aspect of our proposed alternative Spouses' Scheme, which is to eliminate the discrimination on the grounds of sex? In other words, why should the taxpayer make provision for the surviving spouse of a male civil servant, but not for the surviving spouse of a female civil servant? That is why we changed from 'widows' to 'spouses' on the basis that, otherwise, this was just a facility available to surviving women, but not to surviving men. I do not think it would be too difficult – particularly if the hon. Member thinks that there is not going to be a huge take-up of this – to go that modern, if I could put it that way, in this area, and just make it on a spouses', rather than a widows' basis.

1195 **Hon. J J Bossano:** Yes, Mr Speaker, I am grateful to the hon. Member for bringing that to my attention, and I will bring it to the attention of the draftsman.

1200 **Hon. P R Caruana:** And when he said he was restoring the scheme, has he considered the position of civil servants who have retired already? Will they get the opportunity to pay their arrears, or does he have it in his mind that it would apply only to serving civil servants?

And then, if he goes to existing civil servants, then he has got the question of the surviving widows of deceased civil servants. These are the sorts of issues that we grappled with, when we were aligning... and I am sure he will have to grapple with it, too.

1205 So has he given any thought to whether he would extend at least to retired civil servants who may still be alive?

Hon. J J Bossano: Yes, Mr Speaker.

1210 I answered two questions together and the answer that I gave applied to both categories. There was a question about the current and the retired and I gave one answer to both, on the basis that I am looking at what needs to be done for both – those in service and those who have left. I think what the Government proposed was not implemented, not just because of lack of logistics this time, but because, in fact, it was not found acceptable. So you know, we are committed to what was there before. If, in fact, the proposals of the Government intended to introduce, but were not introduced, had not been done because of lack of time, but had been found acceptable, we would have honoured those, but since they were not accepted –

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Hon. P R Caruana: Could I just add, is the hon. Member aware that what I announced in my Budget speech were not *proposals*; they had been proposals at the time of the Strategic Agreement negotiation with the unions? That agreement was voted down, as he knows. Some of the elements in it were a matter of Government policy and, therefore, in my Budget, I said notwithstanding the agreement, three or four elements of the aborted agreement, was the matter of Government policy going to be approached? The Government does not need the unions' agreement to offer a facility to its employees. Anybody who did not like did not have to take it up, as it was not compulsory.

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So we announced that we were pressing ahead. It was not 'not done' because the unions' agreement was not available – I think the union were quite content with that. At least, they never expressed discontent.

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Mr Speaker: Question then, the Hon. Daniel Feetham.

Hon. D A Feetham: Yes, can I ask the hon. Gentleman – I think I know the answer – but can he confirm that the intention in relation to the Widows' and Orphans' Pension Scheme is to make it applicable only to, effectively, civil servants in the defined benefits scheme and not in relation to the Provident Fund No 2 – the defined contributions – because, of course, the idea was when it was first introduced by the hon. Gentleman that anybody with a contributory pension, obviously, has a fund that their widows would be able to rely upon in case of the husband being deceased. Is that the position?

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Hon. J J Bossano: Yes, the position is that the people for whom the fund was originally... the provisions of the WOPS was originally available were the people of the final salary scheme where, once the pensioner died – and in some very tragic cases it happened very quickly, immediately after retirement – there was a whole life investment which was lost and this was intended to provide that safety net for the widow.

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I think with both the new Superannuation Fund, which can go up to 25% per annum of the salary, and the ones that were already in existence – the No 2 Provident Fund – in those cases there is a cash sum which can be very substantial, and therefore the need to supplement the pension, because the pension is personal to the holder, as it were – it does not really arise in the same way.

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Hon. D A Feetham: But, of course, now that the hon. Gentleman has also said that, in relation to civil servants, they will be able to commute 100% of their pensions, the distinction, which I understood, is irrelevant, because the civil servant will be able to obtain 100% of their pensions and the Provident Fund No 2 or the Guaranteed Superannuation Fund, they will have a final salary existence.

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Does he not think that, therefore, it is slightly illogical for the Government to just make this available in relation to only civil servants, when that distinction really has been blurred by the changes that the hon. Gentleman has indicated the Government will make today?

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Hon. J J Bossano: No, because, in fact, as I have said in my original answer, I would not think that there is any interest or demand for this, partly because the alternative is better. That is to say, if somebody is able to leave £100 million to their widow, why would they want to be spending 1.5% of their income every year?

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So I have made it very clear that this is not being provided as something for civil servants because we think the civil servants require it or want it. We are doing it because we said we would do it, but we do not expect that there will be a demand. If we find that there are people who want to pay that on top of paying to be in the Provident Fund, we will consider opening it, but I think once we move in this direction and have it available, we will see what interest there is.

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We have got no problem with making it available to more people because the whole thing is funded by the contributor, not by the Government. The Government does not put any money into this.

1265 **Hon. D A Feetham:** The hon. Gentleman has just simply, in the answer he has given, proved the point that I was making in the question: that really, given that the civil servants are being allowed to commute 100% of their pensions as a lump sum, the rationale for introducing a Widows' and Orphans' Pension Scheme in the first place really will not exist, because those civil servants...

But anyway, Mr Speaker, does the hon. Gentleman know, on average, how many civil servants have retired over the last four years?

1270 **Hon. J J Bossano:** I do not know on average how many have retired. I know, from the questions that I have asked the previous Government, that the average is about 150. So that would have been about 600 in four years.

1275 **Hon. D A Feetham:** Has he also done the calculations in relation to, say, for example, a civil servant who retires on a final salary of £30,000, how much the Government has to pay in relation to the commuting of 100% pension – the allowing of the civil servant to take 100% of their pension as a lump sum? Has he done those kinds of figures, in order to determine what kind of liability the Government is exposing itself in relation to retiring civil servants for the next four years, for example?

1280 **Hon. J J Bossano:** Well, Mr Speaker, I would not call it a liability – what we have done is what we think is the right thing to do, which is to give them the same opportunity to convert their pension into a lump sum that is going to be included in the new superannuation fund and is already there in the others. We believe that they should have that choice and that they should be given that choice.

1285 We have not calculated and we cannot calculate because in fact so far, nobody has asked for more than 25% commutation. We will have to see how many people want it.

1290 **Hon. D A Feetham:** Well, 25% commutation, of course, because those are the existing rules and you have only been in office for two and a half months. (*Interjection*) But surely, the hon. Gentleman and the Government must have given some thought as to the bill that the Government is going to be picking up over the next four years by actually agreeing to pay 100% commutation of civil servants' pensions up front. That was not the position so far. Now, have you given any thought at all to that?

1295 **Hon. J J Bossano:** I mean, I don't know, Mr Speaker, whether the questions in Parliament which require me to produce information also require that I have to share with the hon. Members opposite what I think, the things I have given thought to or not given thought to.

I can tell him that I am satisfied that if every civil servant decides to commute, the costs can be met.

1300 **Hon. D A Feetham:** Is the hon. Gentleman aware that, for example, in relation to a civil servant that retires on a final salary of £30,000, the Government is actually looking at a bill of £600,000. Is he aware of that? Just one civil servant.

Hon. J J Bossano: What I am aware of is the fact that the hon. Member is against this policy.

1305 **Hon. D A Feetham:** No. I have not said that. I am asking questions of the Government as to whether they have given sufficient thought to this particular policy and I am quite entitled to do that because of course... Is it the position of the Government that if it is going to be paying commutation of pensions, over £½ million for 20 civil servants every single year for the next four years...

1310 Does he not accept that, in the light of that, that their arguments in relation to public finances simply do not stand up to closer scrutiny and the public finances of Gibraltar cannot possibly be as bad as the hon. Gentleman and the Government opposite claim to be when, in fact, you are agreeing to provide and pay this amount of money to civil servants up front.

1315 **Hon. J J Bossano:** The answer is that I do not accept anything he has said and that he is wrong in thinking that the cost will be what he claims the cost will be or that there will be a difficulty in financing it. There is a method of financing which will not produce the result that the hon. Member thinks. The fact that he does not know how to do it, that is his misfortune. I am not here to explain to him how these things are going to be done.

I can tell him that it can be done and that if everyone wants to take it up it will be done in a way that does not produce the results that he claims.

1320 **Hon. P R Caruana:** Mr Speaker, is the hon. Member able to confirm whether, in respect of existing civil servants to which I have understood he is going to make this facility of 100% commutation available, the commutation calculation will be on the same basis as they can presently commute part of their pension? In other words, the pension is calculated, and that this is not... the hon. Member is not planning some sort of net present value of a future annual entitlement.

1325 If it is as I am assuming it is – subject to what he may tell me when he gets up – if it is a simple extension, in percentage terms, of the present permissible commutation, would the hon. Member agree with me that, on the assumption that – which is an assumption – but on the assumption which he believes to be likely to happen, that all civil servants opt for this, the actual cost of it can be relatively easily calculated because, if we know the number of civil servants that retire, we know roughly what the annual cost is of gratuities – which is just another word for the permissible degree of commutation at present – and we just increase that to 100% we know by what factor the present gratuity bill would increase in any year, assuming that there isn't an odd year here or there? It seems to be more or less static, so that the hon. Member has a pretty good idea of how much it would be and that it could be very considerable indeed.

1330 In other words, if he takes the present commutation bill he can extrapolate, by increasing the percentage of permissible commutation what the per annum, in capital cost, if I could call it that, would be. Although I know that he likes to do financial striptease acts, I just do not see how, for existing civil servants – for *existing* civil servants – I can see how, in the future, the Government make an arrangement of creating a fund to fund this, but for existing civil servants I have to admit that I have to join my friend the Hon. Daniel Feetham in the crowd of people who do not see how this could be funded by anybody other than the Government in respect of existing civil servants. I mean, for example, if there is a civil servant who retires the day after he announces this policy, he implements this policy, the cost of *his* 100% commuted policy can only be funded by the Government and not by anybody else.

[Technical interruption]

1345 **Hon. J J Bossano:** I can confirm that there is no change in the methodology of calculating the commutation. That is to say we have already, we have already changed the regulation so that it is already the case that there is no longer 25% in whatever the regulation is and it now says 100% and I can tell him that there *is* a way of doing it that will not have the result that he predicts and that he will see that when he sees the estimates.

1350 *[Technical interruption]*

Social Security Old Age Pension Equalisation at 60 for men and women

1355 **Clerk:** Question 125.

1360 **Hon J J Netto:** Mr Speaker, when will the Government be able to pay the Social Security Old Age Pension at 60 for men and women?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment. Question 125.

1365 **Minister for Enterprise, Training & Employment (Hon. J J Bossano):** Mr Speaker, the Government expects to pay the Social Security Pension at the age of 60 for men and women when it becomes compulsory under EU law – before 2020.

Hon J J Netto: Does the Government have any indication whatsoever when they *intend* to do it, given that it is their policy?

1370 **Hon. J J Bossano:** Mr Speaker, the policy is to introduce a new pension scheme on 1st July, and that new pension scheme on 1st July, because it is a new pension scheme under EU law, will have to provide for the

people that joined that new one to be eligible when they are 60.

1375 **Hon J J Netto:** Could I ask whether what he is actually saying is that European legislation specifically states that the equalisation has to be at 60 or is it that the European legislation specifies that individual Member States can exercise a level of equality at whatever age they see is fit to do it for that particular jurisdiction?

1380 **Hon. J J Bossano:** The hon. Member is correct in saying what is required is equalisation and therefore it would be possible to meet the EU law by increasing the age of retirement for women, and making them both 65, or by doing what some people have done which is to do it at 63 and bring the men down 2 years and put the women up 3 years. The policy which we announced many years ago, to which we still subscribe, is that the equalisation be done at 60.

1385 **Hon J J Netto:** So I take it, then, that the view that the Government takes is that they will equalise at the age of 60 whenever they are told by the European Union we have to equalise and therefore we will equalise at 60 – which is sometime... you mentioned... sorry?
2020

1390 **Hon J J Netto:** 2020, so I suppose it is quite far away from now? That's alright

Hon. J J Bossano: Okay, thank you.

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**DSS monthly expenditure reports to Financial Secretary
Availability from September 2011**

1400 **Clerk:** Question 126, the Hon J J Netto.
[Technical interruption]

1405 **Hon. J J Netto:** Mr Speaker, is the Government now in a position, following their rethink of last month, to provide a copy of the monthly expenditure returns report from the Department of Social Security to the Financial Secretary commencing from September 2011 to date.

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

1410 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker the Government has decided that they will not be providing this information.

Hon. J J Netto: Mr Speaker, can I ask on what basis?

1415 **Hon J J Bossano:** Well, on the basis that, as far as the Government is concerned, this is information that is required for the controlling officers to do their job and transmit that information to the Financial Secretary.

1420 Ministers are not getting this information, have not been offered it and are not seeking it. When I used to ask for information on the progress of Government revenue and expenditure – I used to ask for it once every 6 months. – I only asked for heads of expenditure. I did not ask for sub-heads and the hon. Member opposite used to tell me I would have to wait a couple of months to get it, and I did. So I think it is not a reasonable thing to produce, basically, the equivalent of the estimates book with every single sub-head every month. We are not seeking this for ourselves: we think it is a job for the controlling officer and for the officials, not for the politicians.

1425 **Hon. J J Netto:** Well, Mr Speaker I have to say that is a very poor excuse for not giving information. I mean the fact that it is a report being done by the controlling officer to the Financial Secretary, right, that doesn't mean that all of us in this legislature, we are not participants of the whole process, because we are the ones in fact who have to vote for the Appropriation Bill right? The fact of the matter is that this is a report that

1430 costs no effort whatsoever to pass a copy to other Members of the Opposition. The extent of the effort that is
required is that when the Executive Officer has to print 2 copies – one for the Department and one for the
1435 Financial Secretary, the Executive Officer will print a 3rd copy, put it into an envelope and pass it to the
Member of the Opposition. So it requires no effort whatsoever, so the hon. Member cannot say that this will
produce some kind of disproportionate amount of effort in being able to produce it. It is being done
systematically every month and all that is required is sending one extra copy to the printers. He is just being
difficult in not passing information. It is the classic attitude that the Members have of not being transparent,
particularly him, it is the philosophy of I only have the information, and I am going to be damned if anybody
else is going to have the information. It is simply his typical character of not allowing people to be given in
this Parliament necessary information and the Chief Minister actually should tell the Minister for
Employment that if he wants to take credit for transparency this is the place where he should do it.

1440 **Mr Speaker:** There is no question there.

Hon J J Bossano: Notwithstanding the fact that he has not asked me anything, Mr Speaker, (*Laughter*) I
have to tell him that if he attaches so much importance to this, for 15 years they haven't done it! They haven't
volunteered to provide all this information to the people of the Parliament for 15 years. I don't think it is
1445 *desirable* for every single month and every single penny and every single change in this book to be made
public. We are not seeking it for ourselves. We are not asking for it and therefore it is something that was
introduced by the previous administration, apparently, which certainly did not exist in 1996. Therefore, if the
hon. Member thinks it is now desirable to do it, if he ever gets re-elected he can volunteer to do it.

We have taken the policy decision on this, and this is the policy decision, but I need to remind him that, in
my original answer, I pointed out that I used to be satisfied with much less than he is asking – I asked once a
1450 year for total heads of revenue and expenditure to be provided to me and, when I asked for it in October or
November, I usually got told that I had to wait until December because that is how long it took to put the
information together. From what he is telling me, what I was being told in the House, it was not true – it was
readily available all the time, at the end of each month in much more detail than I was asking!

1455 **Hon. P R Caruana:** Mr Speaker, I am sure the hon. Member would agree with me that the right of this
Parliament to information, and a right to ask for information, it may or may not be mirrored by their right to
deny it to us. But our right to seek information is not curtailed or circumscribed by the information that they
saw fit to ask for when *they* were on this side of the House. Had that been the case, then in 1996 there would
1460 not have been an explosion in the increase in information, compared to before. In other words, if every
incoming Parl.. if every incoming Government were to say I won't provide you with information that I did not
used to ask when I was in Opposition, and that went on and on and on, then there would never be any increase
in the amount of information as we presided over.

But, in any event... so, Mr Speaker, we do reserve, on this side, the right to ask for information, whether
they saw fit to ask for it before or whether, indeed, the Government spontaneously offered it before. The
1465 Government does not spontaneously offer information. But can I say, because the hon. Member said in his
last answer that they had taken a policy decision that they did not think it appropriate for this information to
be handed out monthly, would it assist the hon. Member in coming to a different conclusion if we were to ask
for it less frequently than monthly, say quarterly or something like that.

I tell you what the purpose... I suppose why my colleague is seeking the information and, indeed, why we
1470 introduced the system in the first place – this was a means of allowing the Government and, therefore,
Parliament to monitor the likelihood that a Department would overspend before the year end, if by, you know,
calculating their monthly outgoings you could predict whether a Department would run out of voted funds
before the end of the financial year, and this was a means of budgetary control.

Now, I can understand that the hon. Members may not want to give us that information monthly because, I
1475 don't know, any number of reasons I can think of that might create a rod for the giver's back. Would it help if
it was asked for less frequently, say quarterly or something like that?

Hon J J Bossano: Mr Speaker, the issue is not the frequency with which the information is delivered but
1480 the degree of detail – because when he is talking about the value of this information in predicting the result,
that is precisely what the information I sought from him was doing because, at the end of the day, if you have
got a head of expenditure which has got expenditure of £20 million that is then broken down in to 200 sub-

heads, where one sub-head is going up and another is coming down, it is completely irrelevant to the prediction as to whether the £20 million that had been voted is going to be exceeded or not.

1485 When I used to ask him for the information at the end of September it was precisely to get an idea of whether the level of spending in the first 6 months of the year which he always used to remind me was no indication to the eventual outcome. He always preceded his answer to be by saying (*Interjection by Hon. P R Caruana*)

1490 **Mr Speaker:** Order! Order!

Hon J J Bossano: Well, the answer is not about being quarterly, it is the fact that you are asking not has the £20 million been spent in the first month or three months, or sixth months and therefore we are likely to overspend the 20 million but ‘are you spending more on paper clips and less on rubber bands every month?’ That level of detail is not about controlling over expenditure.

1495 If you want to know about controlling over expenditure then you ask whether the budget of the Department is likely to be exceeded and that simply requires the figure which we vote because, at the end of the day, as the hon. Member knows, when we vote a head of expenditure the Financial Secretary can, in any case, authorise movement from one sub-head to the other. But the ultimate figure that matters is the headline figure, it is the fact that you are asking for every single line of the book to be provided either monthly or quarterly... (*Interjections*)

1500 **Hon. J J Netto:** If the hon. Member would give way just a minute...

1505 Mr Speaker, the hon. Member seems to be giving the impression that the report I am seeking to have may contain 200/300 pages. The report I am seeking would have 10 pages of information.

Hon J J Bossano: No, that is not correct – it may only contain 10 pages in respect of the one he is asking me about the Department in which he used to be but if we do it for everybody – presumably he is not saying ‘can I be the one that is given this information and don’t give it to anyone else in the Opposition?’ In each Department that is what he is asking for that Department. It means the whole book.

1510 Yes, it does, because when he waved that piece of paper at me at the last meeting of the House, I went back and asked to be given a copy of it because I had not seen it. Then what I saw was that, in fact, it was the change in the first month, with seven columns showing every single item in the sub-heads, how they had gone up and down, and now, if you do that for the whole book, it means you take the approved estimates voted by the House with every single sub-head and every single movement up and down and every single prediction based on every single movement, and that is seven more columns.

1515 That system, which *they* introduced to have an effective running total, the internal accounts of the Government... That is what he is asking for, the whole internal accounts of the Government. I remember, at one stage, the Hon. Leader of the Opposition, as Chief Minister, told me on one occasion about some information that I was asking for the Government... to give him a copy of everything that goes through the Treasury and the Accountant General. Well, that is exactly what is being requested now.

1520 It is something that we are not seeking because he might have had... I doubt that he had the time, frankly, to go through all this mass of figures when he was here, but certainly I cannot think of any of us that have got the time to even look at this thing, never mind scrutinise it on the basis to try and make some kind of political judgement as to whether too much money has been spent in one month, as opposed to the other.

1525 But, at the end of the day, the point that I make is that the argument about the control of public spending, which is the role of the Government and, indeed, the role of the Parliament, is met totally by the figure that you vote for the heads. So if you vote £20 million for Social Services and we are finding that we are spending more money on social assistance and less money on something else, at the end of the day that is all in the final figure. The estimates only need to be supplemented, either through a supplementary appropriation sub-head at the end of the estimate or by bringing a Supplementary Appropriation Bill. If the head is exceeded within that head, heads of department and controlling officers and the Financial Secretary have got the freedom that, if they overspend on one sub-head and they have got under-spending in another one, they can vire the money from one sub-head to the other and do it.

1530 So, the controlling of the Parliament and the controlling of the Government is on the basis that the overall budget and the budget per Department should be adhered to and be as close as possible to the approved estimate. We accept that that is the rule, but not that every time somebody says, ‘Well, look, this month we

1540 have had a lot of people seeking supplementary benefit'... Well, if he asks about supplementary benefit, he gets the information, but we do not accept that it is desirable for either *us* to all be involved in doing all this figure work, or indeed for all that to be put in the public domain and open up the entire movement of every penny in and out of every Department on every item. It has never been done before. I do not expect it will ever be done. It never occurred to us to ask for it and I doubt very much whether they would volunteer to do it if they were ever back here.

1545 **Hon. P R Caruana:** Mr Speaker, if I am correctly understanding the hon. Member, his position is this – is it ?– the information *can* be provided and it is available, without the usual parliamentary reason of disproportionate administrative effort, but the Government does not consider it *appropriate* to give that information to the House, on the basis that they think it is too detailed, or too transient or too unforensic about anything that the House should be interested in?

1550 **Hon. J J Bossano:** It is as I have explained. What I can tell him is that the Government can provide him with more than he provided to us, in the sense that he thought asking for the figures more than once a year, on the totals for the six months, was asking for too much. We are happy to give him the totals every month,

[Technical interruption]

1555 but the detailed breakdowns he is asking for

[Technical interruption]

1560
The House recessed for 15 minutes from 11.00 a.m. to 11.15 a.m.

1565 **Clerk:** Mr Speaker.

Hon. J J Netto: Mr Speaker, just before we go on –

Clerk: We were on Question 126.

1570 **Mr Speaker:** Yes, the Minister for Employment was cut off in mid stream, with apologies. Do carry on.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Well, I think the main stream has dried up! I will leave it where I left it.

1575 **Hon. J J Netto:** Mr Speaker, clearly the Government is not going to change its policy decision in providing me with a copy of the monthly report, no matter how reasonable my argument is.

1580 The fact is that the policy decision is only intended to silence me in my ability to ask questions to the Member opposite on matters of financial control in the Department of Social Security, which is a matter for which we all collectively have responsibility by voting the Appropriation Bill but, whatever the argument, he has decided he is not going to give me the information. He thinks he can silence me as a result of that.

1585 I think it is a sad day for Parliament. It is a sad day for democracy. It runs totally contrary to the image that the Chief Minister is trying to portray of transparency and, quite frankly, I have to tell the hon. Member that, whilst I cannot *force* him to give me the information, right, I will certainly continue in different ways to get the information.

Mr Speaker: One moment.

I must remind the Hon. Mr Netto that they have to be questions. One cannot end a mini-debate on a question, followed by supplementaries, with a parting shot of a statement. There has to be a question.

1590 The Hon. the Minister for Employment, do you want to say anything?
We move on to the next Question.

**Disability Allowance
Withdrawal from those entering employment**

1595 **Clerk:** Question 127, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, when does the Minister for Social Security and Employment intend to withdraw the Disability Allowance from disabled persons who are in employment, in accordance with their GSLP/Liberal manifesto?

1600

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

1605 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Can I just point out to the hon. Member that he is misquoting the GSLP/Liberal manifesto but, of course, it is not his manifesto, so he probably is entitled to say what he likes about it.

1610 The position is that, under the present administrative arrangements, that have been there for a very long time, a disabled person's Disability Allowance had until now been completely withdrawn when the disabled person commenced full-time employment. The Government intends to reduce the disabled person's Disability Allowance on a staggered basis, instead of all at once, and this will not commence until the second month in employment. So in the first month there will be no deduction from the Disability Allowance.

Hon. J J Netto: Mr Speaker, the hon. Member says I am misquoting the hon. Member. What the manifesto says is:

1615 'When disabled people in receipt of Disability Allowance start work, the Allowance will be withdrawn on a staggered basis.'

So, whether staggered or not staggered, you are saying – the people in the Government today were saying at the time that it was going to be withdrawn.

1620 That is what actually prompted my question.

1625 My supplementary question, Mr Speaker, given that the hon. Member seems to be saying that it is going to be on a staggered basis, will this take into account the fact that, by doing such a process, some disabled people could be out of pocket, because some disabled people, by the nature of the disability, may have to either periodically buy certain equipment, certain services which they need to have, which some of them, in some cases, are expensive in nature? One of the things that can actually happen is that a disabled person can get a job, hopefully, and start drawing an income, as a result of that particular job, then start losing the Disability Allowance on a staggered basis, and then find himself financially in a much worse situation than before.

So should not the Government then consider that by simply having a process that does not take into account the circumstances of the disabled person, that particular disabled person might be worse off?

1630 **Hon. J J Bossano:** Mr Speaker, the reason why I drew the hon. Member's attention to the original question is that the original question said 'intend to withdraw', as if, in fact, it had never been withdrawn in the past! Is it that he does not know that, when he was in office, it was withdrawn immediately and that what we are doing is an improvement on what existed, and that we are now going to do it in stages?

1635 That is the point that I am making in my original answer. We are actually saying the administrative system that has been there, not just when he was in Government, going all the way back – it has always been there – was that the Disability Allowance ended when you got your first pay packet. We are now saying it will not end when you get your first pay packet. In the second month, so as to make sure that you are not caught between two stools, given that the Disability Allowance is paid up front, and the wages are paid with retrospection, normally, you could actually finish up removing the allowance before you get paid. That is not the intention and, therefore, we do not want that to happen.

1640 In the second month, the position is that we will introduce a system where we do it in stages, so that you do not have the abrupt shift, and the adjustment for the person will be gradual.

If, indeed, there are any cases such as the one that is mentioned, then I will certainly make sure that the people that manage these payments are aware of that risk and bear it in mind in the nature of the stages.

1645 But all I can tell him is that I do not believe that can be very common because, otherwise, it would have shown up when the allowance was being eliminated immediately. If somebody gets employment and they lost

the allowance immediately then, by definition, if the allowance was more than the pay, the guy will simply give up his job and go back to the allowance – he will be better off!

1650 **Hon. J J Netto:** But, in actual fact, Mr Speaker, the allowance was not withdrawn, neither in the four years I was as Minister, and perhaps he might even notice himself, but when... I think I have got it here, actually – yes, in response to a Written Question, Question 20 of 2012, when I asked ‘Can the Minister for Social Security state how many persons were in receipt of a Disability Allowance, blah, blah...?’ at the bottom, it says:

1655 ‘As of 30th January 2012, 162 persons are currently in receipt of Disability Allowance, of which six are in long-term employment and 15 in supported employment.’

1660 So we know there have been at least six disabled persons in long-term employment. I do not know how long they have been, but certainly for a long while. So, what I am saying to the hon. Member is that, even in relation to these ones, already in long-term employment, if they start removing the Disability Allowance, they could find themselves out of pocket as a result of the introduction of this policy by the new Government.

1665 Presumably, as the hon. Member seems to be suggesting, before actually taking away the Disability Allowance, they will look at the circumstances of both these six and the other... I cannot remember the number now – the other 15, before such a decision is taken. Is that the case?

Hon. J J Bossano: Well, the case is, Mr Speaker, according to the people who run the system, there is an arrangement where part 5, article 15(3), states:

1670 ‘The payment of the allowance shall be suspended if the disabled person is employed in full-time employment.’

1675 Therefore the advice that I have been given is that if people have full-time employment, they lose the allowance. I would have thought that if the allowance was more than the full-time employment, nobody would be encouraged to go into full-time employment, to be actually worse off than they were when they were getting the allowance.

1680 The purpose of the exercise that we are introducing now is to make sure that people are not worse off as a result of employment than they were before. We are going to do it in stages, and I will make sure that those who operate the stages will never allow a stage to be reached where people are actually in the red as a result of employment. The point that is made – I have noted it and I will make sure that those people take that into factoring the way the stages operate, so that, you know what he thinks, could happen if we are not on the look-out for it, might happen, and I will make sure that it does not happen.

1685 **Unemployment benefit**
Resident applications by nationality and industry

Clerk: Question 128, the Hon. J J Netto.

1690 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment state how many resident persons applied for unemployment benefit in the month of January 2012, broken down by nationality and industry group?

1695 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I hand over to the hon. Member the list giving him the information he has requested.

1700 **Hon. J J Netto:** Mr Speaker, if I may, in relation to the figures given in the first particular column, under ‘Construction’, we have 11 British, 7 Moroccan and 2 Spanish: will the Minister indicate whether these particular persons who receive unemployment benefit are mainly from the various subsidiary companies that were attached to GJBS? Does he know that, from the information he might have available?

Answer to Question 128 of 2012

The following table shows the number of resident persons who have applied for Unemployment Benefit, broken down by nationality and industry group, for the month of January 2012:

Industry Group	British	Moroccan	Spanish	Other EU
Electricity and Water Supply	1	-	-	-
Construction	11	7	2	-
Wholesale and Retail Trade	10	1	1	1
Hotels and Restaurants	6	2	-	-
Financial Intermediation	3	-	-	-
Real Estate and Business Activities	11	1	-	-
Public Administration and Defence	4	-	-	-
Health and Social Work	2	-	-	-
Other Services	10	-	1	-
Total	58	11	4	1

1705 **Hon. J J Bossano:** Well, Mr Speaker, I have not asked the Department to provide me with the names of the people who were receiving unemployment benefit but, in fact, I would say that a turnover of 21 persons in the construction industry in one month is probably normal.

1710 There is, as the hon. Member must know, a constant taking on and laying off of people in all the construction sites. So there is no particular reason why these 21 should have come from subsidiaries of GJBS on Government projects if... in fact, I think most of the people who were laid off were frontier workers and will have claimed unemployment benefit on the other side, where it is considerably higher.

1715 **Statutory Benefit Fund**
January payments arising from an insolvent employee

Clerk: Question 129, the Hon. J J Netto.

1720 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment state what payments were made out of the Statutory Benefit Fund for the month of January 2012 arising from the insolvency of an employee?

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

1725 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer the question with Question 130, Mr Speaker.

1730

**Statutory Benefit Fund
January payments arising from employers' insolvency**

Clerk: Question 130.

1735

Hon. J J Netto: My colleague seems to be saying that I misread the word 'employer' for 'employee', so anyway...

Clerk: Question 130.

1740

Hon. J J Netto: Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund in respect of employers' insolvency in the month of January 2012, showing the amount paid due to redundancy pay obligations, the amount paid in respect of other sums payable to employees, the number of companies involved, the industry group affected and the number of beneficiaries that are either residents or not?

1745

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, happily, there was no insolvency of employers in January 2012, so no payments are to be made.

1750

Clerk: Question –

Mr Speaker: No, the Hon. Jaime Netto.

1755

Hon. J J Netto: If there was no insolvency, when does the...? I suppose that the demise of the subsidiary company of GJBS might have occurred in December then. Is that the case?

Hon. J J Bossano: No subsidiary Government company has been declared insolvent. (*Interjections*) Any payments that were due to them were paid by the company.

1760

**Social assistance
Numbers and breakdown of January claimants**

1765

Clerk: Question 131, the Hon. J J Netto.

1770

Hon. J J Netto: Mr Speaker, can the Minister for Social Security and Employment state what was the number of persons receiving social assistance at the end of January 2012, giving a breakdown by age and sex and showing periods in receipt of social assistance broken down in groups of less than three months, four to six months, seven to twelve months, between one to two years, two to five years, five to ten years, and over ten years?

1775

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I now hand over to the hon. Member the list giving the information that he has requested. [*see following page*]

1780

Hon. J J Netto: Mr Speaker, I notice that part of the information at the bottom is that the breakdown I am seeking to have in those particular periods of time cannot be made available because of the computer database system that they have. Is it something they have that... the software system that they have and the way they record the information can be made available at a future date, perhaps?

Hon. J J Bossano: Apparently not, from what they tell me. When they input a figure, the previous figure

1785 disappears, so with the Microsoft Excel spreadsheet, they can only provide the information on the day that they access it, but they do not have any historical record of what it was a month before or two months before, three months before, and that is the system they have been using all the time.

1790 I do not know whether there is an alternative programme that they can use which would keep the historical data. There is no objection politically to them changing the system if they can think of another system that provides the information and can show... But the only way, it seems to me, from the way the explanation has been given to us and to him is that, clearly, only by getting the figures every month can you tell from one month to the next what the totals have changed. But that does not tell us whether the 531 total people on supplementary benefits at the end of January were the same as the month earlier, even if the figure is the same. So even if the figure has changed from one month to another, the changes could be new people getting social assistance and other people getting employment and no longer getting social assistance, because the time that they have been on it is not provided.

1795 I think it can be done manually but, of course, that would mean going through 531 one by one.

Answer to Question 131 of 2012

Persons receiving social assistance at the end of January 2012 by month, age and sex.

	Age 18-25	Age 26-35	Age 36-45	Age 46-60	Total	Males	Females
Jan-12	87	136	136	172	531	200	331

I am informed by the department that the information requested with regard to how many of the above listed persons have been receiving Social Assistance, broken down in periods of less than 3 months, 4 to 6 months, 7 to 12 months, between 1-2 years, 2-5 years, 5-10 years and over 10 years, cannot be provided due to the information not being held in a dedicated computer database system. This information is held in an MS Excel spreadsheet which does not retain historical information.

1800 **Hon. J J Netto:** No, Mr Speaker, I am not suggesting that the work should be done monthly, but I think, at the very least, that if the Minister can perhaps take a policy decision and, in future, it can be changed, obviously that would be welcome.

1805 The other way perhaps, thinking aloud, that can be done is because if the Department of Social Security have the printout at the end of the month on the question he is asked, and that particular printout with names is given to your own staff at the Ministry of Employment, actually, they, I do believe, can provide figures for those particular breakdowns between those particular months and years, at least for those people in social assistance who are registered unemployed.

1810 In other words, if there were to be some communication between your staff in Social Security and your staff in the Employment Department, for the purpose of saying, well, Social Security cannot go retrospectively but certainly they can have a printout, send it over to Employment and, given that Employment do have the software programme which is not labour intensive, then they can do it, inasmuch as those who are registered unemployed and getting social assistance... It may not give me the whole picture of everyone in social assistance, but it would probably give me a good, fair, accurate picture for a lot of them.

1815 **Hon. J J Bossano:** I do not think that would produce the result the hon. Member...

1815 First of all, I think the numbers that are actually registered unemployed are of the order of 10%. So we might be talking about 53 out of 530. Secondly, even if we were able to say to the hon. Member for how long the 53 had been unemployed, it would not necessarily follow that all the time they had been unemployed they had been getting social assistance. There is nothing in the Profile 2000 program that tell us if people are on social assistance or not.

1820 So I think, short of changing the programme from Excel to something else, I do not think it can be done. It is either that or manually, as far as I can tell.

Hon. J J Netto: But the 2000 programme can be amended to incorporate that, surely?

1825 **Hon. J J Bossano:** I do not know whether it can or not. I mean, he is the one who introduced it in 2000! I am told it is something nobody uses any more, and the one guy that is left that understands it has to be brought out from London every time something has got to be done to it! So I am not very sure how much longer we are going to be using that, frankly.

1830 I would prefer to find a way in which a programme that is not specifically written for us in the Department but one that many people can share could be made more useful than what we have got at the moment. I think the best thing to do is to ask people to look to see if they can produce a system in the DLSS that can give them a breakdown of how long people have been getting social assistance, because I think it is useful information for them there – quite apart from the Employment Department.

1835 **Hon. J J Netto:** So do I take it, then, that the hon. Members is going to request that to the Department of Social Security?

Hon. J J Bossano: I am going to ask them to look into whether it can be done. I do not know enough about computer programming to be able to say that it can be done.

1840 **Hon. J J Netto:** I am grateful, Mr Speaker.

1845 **Future Job Strategy**
Employment Training Company participants

Clerk: Question 132, the Hon. D A Feetham.

1850 **Hon. D A Feetham:** Will the Minister for Employment confirm whether there are any individuals employed by Employment Training Company Ltd as part of the Future Job Strategy on 11-month contracts, and if so, how many?

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

1855 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer this question with Questions 133 and 134.

1860 **Future Job Strategy**
Transferees into Employment Training Company

Clerk: Question 133.

1865 **Hon. D A Feetham:** In relation to any employees employed by Employment Training Company Ltd as part of the Future Job Strategy on 11-month contracts, how many of these were transferred to that scheme from existing training schemes, where their training contracts exceeded 11 months?

1870 **Employment Training Company**
Management structure

1875 **Clerk:** Question 134.

Hon. D A Feetham: Can the Minister for Employment explain the management structure of Employment

Training Company Ltd, and whether anyone has been employed to run that company?

1880 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of employees in the company with contracts of up to 11 months is at present 270, none of whom were training on contracts that exceeded 11 months. There are no managers employed by the company.

1885 **Hon. D A Feetham:** Sorry, I did not quite get the last bit.

Hon. J J Bossano: There are no managers. The company employs just the trainees, nothing else.

1890 **Hon. D A Feetham:** May I ask the hon. Gentleman to actually check, go back to his officials in his Department, because I know of at least one person who was on a three-year training contract in relation, in fact, with the Training and Construction Centre as part of the European Structural Fund Vocational Training Scheme on a three-year contract and now he has been placed on 11-month contract. Would the hon. Gentleman undertake to go back and re-check with his officials whether that is the case?

1895 **Hon. J J Bossano:** Mr Speaker, all the people that are in training, other than in employment placements – that is to say, the people who are doing nurse training, construction training, Gibdock training – all those will continue beyond 11 months. The 11 months are just related to their wages from the employment which replaces the previous allowances. Therefore, everybody currently is on 11 months. In fact, it does not mean that people at the end of the 11 months will lose their income; it just means that is how the company has been set up initially, and we expect the bulk of them to be in other permanent jobs *before* the 11 months and there will be a movement of people in and out of this company.

1900 But the apprenticeship schemes that go beyond the period that this contract is for continue in place. That has not changed.

1905 **Hon. D A Feetham:** With respect to the hon. Gentleman, he has not answered my question.

I asked my original question. Your answer was ‘there is nobody that is now on 11-month contract that was, in fact, on more than 11 months before they were placed on 11-month contract.’ What I am suggesting to you is that, in fact, I know of one individual who had a contract for three years with the Construction Training Centre and now has been shifted to 11-month contract. I am asking the hon. Gentleman – it is not contentious – whether he will go back to his officials and check the position.

1910 **Hon. J J Bossano:** I do not need to go back and check, Mr Speaker. The information that I have is that the people who were in the Construction Training Centre getting £450 did not have a contract saying ‘you will get £450 for three years’. They had a training contract with the Centre and their pay, which came from Bleak House, was not on the basis that that was their pay for three years. Therefore, the contract that gives them £912 has replaced the payment they were getting of £450, which was not guaranteed for three years, or one year or at all.

1915 **Hon. D A Feetham:** Well, I am not trying to be controversial. When I am going to be controversial as, in fact, will be the case later on, no doubt, the hon. Gentleman is going to blow a gasket!

1920 Does he not accept that there is a difference between the position of somebody earning... As he has outlined, nobody is going to be earning x amount for x amount of time. What I am saying to you is that, in fact, there were people – at least one individual – who was on a three-year contract with the Construction Training Centre. All I am asking is: will you go back and just check? That is all I am asking.

1925 **Hon. J J Bossano:** I know, Mr Speaker, and I have told him that I have already checked and that the answer is there are people in the Construction Training Centre who are doing NVQ 1, NVQ 2 and NVQ 3. If they have done NVQ 1, they go on to NVQ 2. That does not mean that they are guaranteed that they will stay three years if they do not pass NVQ 1. So they do not have a contract –

1930 **Hon. D A Feetham:** If they pass, of course they are!

1935 **Hon. J J Bossano:** If they pass, right. So, therefore, what the new contract is doing is increasing their pay form £450 to £912 in each of the three years, and therefore they have three one-year placements, one for each year. If they pass year 1, they go to year 2. That has not changed.

The nature of the relationship with the Construction Training Centre has not been changed at all, and they still have the same relationship, with the same guarantees that they had before.

1940 So what the hon. Member is trying to imply is that, as opposed to being able to carry on three years in the Construction Training Centre, they are only going to be there now for 11 months, the answer is no. The 11-month contract with the Employment Company is only as regards to their getting paid the new salary and does not alter whatever they have got in writing from the Construction Training Centre.

Hon. D A Feetham: Is the reason for these 11-month contracts to prevent trainees from acquiring statutory unfair dismissal rights after 12 months? (*Applause*)

1945 **Hon. J J Bossano:** Well, Mr Speaker, no more than the previous system and the £450 which excluded them, irrespective of how long they were, from all the statutory rights, where the definition of ‘worker’ excluded people on Government training schemes. (**Several Members:** Shame!) (*Interjections*)

I think that to suggest that, somehow, we are removing rights after 11 months from people who had zero rights before we gave them the rights during the 11 months, is quite extraordinary!

1950 The reality of it is that the 11 months is because the scheme starts on 1st February, and is designed for the 11 months of 2012. Those people that require to continue (*Interjections*) will be given up to three years, if that is the time they need for the training, (**A Member:** Hear, hear.) depending on the nature of the training that they require and the nature of the skills that they are getting! (*Applause*) So they are getting a contract for this year. (*Interjections*)

1955 **Hon. D A Feetham:** So the answer is that, yes, they are being given 11-month contracts in order to prevent them from acquiring statutory unfair dismissal rights, is it?

1960 **Hon. J J Bossano:** No, the answer is no, that is not the reason!
The reason is because there are 11 months left in 2012 and it started on 1st February. It is a contract for 2012. If there were 13 months, they would have got a contract for 12 months. That is the answer. (*Applause*)

1965 **Hon. D A Feetham:** So, of course, if they get taken on in November or December, they only get one-month contracts. Is that the position?

Hon. J J Bossano: Well, I have not yet discussed whether we should be doing that or not – (**Several Members:** Ah!) (*Laughter*) We may well do it – I do not know what we will do in March. I can tell him that everybody who starts in February will get an 11-month contract, and it is quite possible that those who start in March will get 10 so that all the contracts are renewed on 1st January.

1970 But if we wanted to deprive them of their statutory rights to unfair dismissal, all we had to do was to leave them on the terms they were for the last 15 years and – (*Applause and interjections*) (**Several Members:** Hear, hear!) when they had no right to unfair dismissal, no right to the minimum wage, no right to annual leave, no right to sick leave, no right to injury at work. So I would have thought (*Interjection*) that even if the hon. Member was correct – which he is not – and I am not confirming what he said; I am denying it – even if he were correct, it would mean that out of 12 things that they were previously denied, we have given them 11. But he is wrong: we have given them the 12. (*Applause*)

1980 **Hon. D A Feetham:** Does he not accept – (**Several Members:** No!) (*Laughter*) Listen to the answer first!
Does he not accept, and does he not agree with me, that the purported reason for the introduction of this particular scheme, as outlined on numerous occasions by the hon. Gentleman opposite, was to ensure that trainees have full statutory employment rights (*Applause*) and that the effect of giving them an 11-month contract is to do the complete opposite? (**Several Members:** Hear, hear!) (*Applause*) Isn’t that what – ?

1985 **Several Members:** Hear, hear! (*Applause*)

Hon. J J Bossano: Mr Speaker, I have already said ‘no’ to him three times. I am quite happy to stand up

and say, no, I do not accept that and I do not agree, (*Interjections*)

1990 **Mr Speaker:** Order. Order.

Hon. J J Bossano: The hon. Member is imputing a reason – and he is wrong – that might be the reason *he* would have if *he* were doing it because it is quite obvious, if he thinks I am doing it, it must be because that is what *he* would be doing if he were in my place.

1995 I am not doing it to deprive them of the right of unfair dismissal, because they will not be unfairly dismissed, period.

Clerk: Question 1 –

2000 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: The hon. Gentleman is obviously determined not to answer the question, so I am not going to press him on that, but does he think that it is very socialist for a socialist Government to be introducing a policy that could have the effect of depriving trainees of statutory unfair dismissal rights? (*Interjections*)

2005 **Hon. J J Bossano:** I certainly do not think the hon. Member's history allows him to express judgements on what is socialist or not socialist. (**Members:** Hear, hear.) That is clear and the fact that somebody has a contract for 11 months is not evidence that the intention is to sack him at the end of the 11 months and not give him the right to go to a tribunal. This is nonsense, because then the hon. Member is saying that everybody *ought* to be given a 12-month contract, something they never did in 15 years with hundreds and hundreds of youngsters that went through the schemes.

2010 If he thinks it is the right thing to do, why did they not implement it in 15 years? He is now criticising something that, by any stretch of the imagination, is an improvement on what there was. I can tell him that nobody will lose their job at the end of the 11 months. He can take it or leave it. Time will tell who is telling the truth.

2015 **Clerk:** Question 1 –

2020 **Mr Speaker:** The Hon. Leader of the Opposition.

Hon. P R Caruana: Mr Speaker, does the hon. Member acknowledge that my colleague's last supplementary asked him not about his *motives* for doing it, but the *effect* of doing it.

2025 **Hon. J J Bossano:** No.

Hon. P R Caruana: In other words, the question that he had answered three times and threatened to answer a fourth, was actually a different question. The first three were denials by him – does he acknowledge? – of whether this was the reason why he had done it, to which he said no. On the fourth occasion my friend asked him, will he acknowledge that is the *effect* of it, regardless of what his intention might have been and then, because he assumed that he had been asked the same question again, he gave the same answer. It is a slightly different question: the effect, *in law*, and the other thing is what the hon. Member may intend to do or not to do – but in law, the *effect* of only having an 11-month contract is, is it not, to ensure that certain employee rights, amongst them that one, are not obtained.

2030 Mr Speaker, will the hon. Member also acknowledge that, of course, he can list all the employee rights that he wants and they will be different from what they are today, that is because *we* treated such individuals as trainees and not as employees, and therefore we made no pretence about them enjoying employee rights? Will he, however, acknowledge that it is *their* policy that is under scrutiny here?

2035 *Their* policy is that they should be employees; he said publicly that they would enjoy *all* employee rights and therefore it is legitimate for us to cross-examine him, to ask him to ensure that they do, *in fact*, enjoy all employee rights – and it is no answer to that to say, 'they are better off than they were when *you* were in Government' – we know that because they have now become employees, as opposed to trainees.

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(Interjections)

2045 **Hon. J J Bossano:** Mr Speaker, first of all, I did answer the last question by adding that no-one would lose employment at the end of 11 months and I am saying that in Parliament and the hon. Member and the trainees can hold me to that statement.

2050 Secondly, it is not true that an 11-month contract automatically deprives you of the right to unfair dismissal, because there are a whole range of categories where the 11 months, or the one month, does not apply. There are reasons for dismissal where there is an automatic right to unfair dismissal and automatic compensation.

Members: No, no.

2055 **Hon. J J Bossano:** No, I am not talking about... I am saying that protection against unfair dismissal of 12 months applies for a number of categories, but there are other categories where the protection is from day one, so it is not true that automatically everybody, because it is 11 months, can go for unfair dismissal. But the bottom line is I am giving a commitment in Parliament that it will *not* be the case that anybody who comes to the end of the 11 months will be made redundant or be dismissed.

2060 **Hon. P R Caruana:** Even a subsequent period of 11 months, so even if they cannot get a placing with an employer, they will be kept on then?

Hon. J J Bossano: Well, everybody that is now in the system is in placements.

2065 Of those... *(Interjection by Mr Caruana)* but, in the future, what is going on at the moment with people that are coming in and the employers I am talking to, is that the intention is that we match the candidates to the placements. The placements are identified first, otherwise what would we do with the people we have taken on?

2070 **Hon. P R Caruana:** Yes, but if for any reason an employer, contrary to the hon. Member's expectation, if an employer, in fact, does not convert the employment from a placement into a permanent employment with the company, with the private sector company, in those circumstances the Government company will retain the employee, will they?

2075 **Hon. J J Bossano:** If an employer does not honour the commitment, then that person will come back to us and we will find him another placement, yes.

Hon. P R Caruana: So they will stay as employees of the Government?

2080 **Hon. J J Bossano:** Absolutely.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Just one more question.

2085 I think the hon. Gentleman took exception to my using the term 'socialist Government' and, of course, he is right. The hon. Members opposite are an eclectic mix of socialists and liberals, headed by a former liberal.
(Interjections)

But may I ask the hon. Gentleman – *(Interjections)*

2090 **Mr Speaker:** Order! Order! *(Interjections)*

Hon. D A Feetham: The hon. Gentleman talks about 'turncoats', but the hon. Gentleman to his left broke the GSLP manifesto on public television and... *(Multiple interjections)*

2095 **Mr Speaker:** Order! Order! *(Continuing interjections)*

Hon. C A Bruzon: The relevancy of manifesto breaking – what has that got to do with the debate?

Mr Speaker: Let us get to the question that the Hon. Daniel Feetham wants to pose.

2100 **Hon. D A Feetham:** May I ask the hon. Gentleman whether this was a decision taken by the socialist Minister for Employment or was it the Cabinet?

Hon. J J Bossano: What decision is the hon. Member talking about?

2105 **Hon. D A Feetham:** The 11-month contracts rather than longer contracts.

Hon. J J Bossano: The decision on the 11 months was taken by me with the people that are running the system, on the basis that we were starting on 1st February.

2110 This is not a policy decision that the Cabinet decided they would make everybody redundant in 11 months and have them back on our books. Does the hon. Member really think that anybody in Gibraltar is going to believe that we want to go into a system where we take all the people that are out of work and put them into a system to provide them with work, only to sack them all and have them all back in the Employment Service registered as unemployed?

2115 **Hon. D A Feetham:** To prevent them suing the Government for unfair dismissal, yes.

Hon. J J Bossano: Mr Speaker, the Government will not be sued for unfair dismissal, even if it were true, which is *not* the case.

2120 The people who would be sued for unfair dismissal would be the employment training company and, in fact, we would not be breaking new ground, because the first time the Government of Gibraltar was sued for unfair dismissal was in 1996 when there was a change of Government and the first thing the GSD did was that they sacked three people working for the Government, all of whom took the Government to court for unfair dismissal and all three won.

2125 So we do not expect, in *our* term of office, to face claims of unfair dismissal, but if it happens, all that would be happening would be what happened in 1996.

Clerk: Question 1 – (*Interjections*)

Mr Speaker: Order! Order! (*Interjections*)

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**Approaches to Unite UK
Discussions re leadership of Unite**

2135 **Clerk:** Question 135, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether he has spoken to or written to anyone from Unite UK about the leadership of Unite, since he became a Government Minister?

2140 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

2145 **Hon. D A Feetham:** Has he asked anybody to speak to Unite on his behalf?

Hon. J J Bossano: No, Mr Speaker.

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**Gibraltar Development Corporation
Role within the public service**

2155 **Clerk:** Question 136, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state what the Government's policy is in relation to the Gibraltar Development Corporation and its role within the public service?

2160 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

2165 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the Government's policy in relation to the GDC and its role within the public service remains as established in its constitution – 'The object of the Corporation shall be to secure the regeneration and economic expansion of Gibraltar.'

Hon. D A Feetham: Does the Government propose to expand and extend the use of GDC?

2170 **Hon. J J Bossano:** The Government expects that it will play a much bigger role in the economic regeneration of Gibraltar than it has done in the last 15 years, or that he would have done if he had been in Government since they were going to abolish it.

2175 **Hon. P R Caruana:** Does the hon. Member envisage that the GDC will increase its staff? I have in mind certain remarks that he is alleged to have made to some of the people who were leaving the GDC to the Civil Service. Apparently, he gave an indication that there would be more career opportunities and an expanded role, so should we correctly interpret that to mean that it will play a more prominent role in quantum terms?

2180 **Hon. J J Bossano:** That, indeed, is the expectation. For example, one of the things we are committed to is the expansion of the Gibraltar Savings Bank and, therefore, there will be opportunities when that institution is able to operate.

I have set a target that is probably too ambitious, doing this in one year, but if we are able to do that, it will no longer be possible for this to be run as a sideline in the Treasury, it will have his own staff and there will be opportunities for people in the GDC in areas like that, which will be new areas of expansion.

2185 **Hon. P R Caruana:** So the Government envisages the possibility that activities that are presently carried out by civil servants, may in future be carried out by GDC and GDC employees?

Hon. J J Bossano: No, Mr Speaker, activities are at present not being carried out by anybody.

2190 **Hon. P R Caruana:** What about the Savings Bank?

2195 **Hon. J J Bossano:** What the Savings Bank is doing at the moment is in terms of the Treasury, booking sales of debentures. Certainly, if that was all that was going to be done with the Savings Bank, there would be no change.

**Gibraltar Development Corporation
Employees appointed to Civil Service prior to General Election**

2200 **Clerk:** Question 137, the Hon. D A Feetham.

2205 **Hon. D A Feetham:** Can the Minister for Employment state what the Government's policy is in relation to former GDC employees who were appointed to the Civil Service prior to 8th December 2011?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, all GDC employees appointed to the Civil Service prior to 8th December have been able to remain in the Civil Service on the terms of their appointment, if they wanted to do so.

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Hon. P R Caruana: Mr Speaker, can the hon. Member explain to the House what offer he made to those employees who have not yet signed on the dotted line? As the hon. Member knows, the Government have sent a letter saying 'PSC or something has admitted you: if you accept the terms, sign below.' Some people have, some people have not.

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There is a difference across the floor of this House – which is not relevant to this question – about whether the fact that the Employment Service had or had not yet registered that change had any impact at all on the legality of the employment relationship, but, leaving that to one side, can the hon. Member explain what offer he made to those, either those who had not already signed, I do not know whether he offered even those who had already signed, the possibility of going back to the GDC and, if so, what was it that he suggested, or offered, that might have induced somebody to leave the Civil Service, which had been the sort of panacea to try and get into, and leave it again?

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Hon. J J Bossano: Mr Speaker, although the hon. Member says it is a matter which we may have a different view in this House, the reality of it is that, on 9th December, everybody that was supposedly, on 1st October, in the Civil Service was registered to be as still being in the GDC.

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Although the hon. Member may not attach any importance to it, he actually brought legislation to this House with very severe penalties for failure to notify terminations and commencements and changes. My view is that, if Government authorities and agencies do not comply with the requirements of the employment law in registering changes in employment and commencement and terminations, they hardly have the authority to go round fining people, especially when some of the labour inspectors themselves were, in fact, not correctly registered with their employer and were going round inspecting other people.

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So, certainly, it is an anomaly that I found very peculiar and I would have thought if I was unemployed and I was taken to court by a labour inspector for not registering the termination of my employee, I would appeal to the judge to take into account that my accuser himself was guilty of the same offence.

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Putting that to one side, as he wants me to do, I have to tell him that there were 92 who had not signed the letter. Therefore, my view was that, irrespective of the fact that the position of the Human Resources was that, whether they had signed the letter or not, they were already in the Civil Service, the position of those who had not signed was that they were being asked to sign on the basis that signing meant acceptance, although, in fact, the letter simply said, 'I have read the contents of the letter and understand it' – not that I have read and agree. So even the ones who had signed were subsequently arguing that, by signing, they had not agreed and that, therefore, they could not be transferred without their agreement, irrespective of what had been signed with anybody because, in fact, it was a change in their relationship with their former employer.

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The initial decision that I took, after discussing it with many of the people concerned, many of whom were in the Department that was under employment – and most of the people who had not signed were there – was that they did not have to go to the Civil Service if they did not want to, because, at the end of the day, we had made a statement at the Budget in response to what the Government was introducing, suggesting that giving them the same pay and conditions and keeping them where they were, would be a better alternative, so that that was the statement we had made in the Budget and we stood by it. So they did not have to sign, if they did not want to.

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Then, a few of the people in the Department who had signed, came back and argued that they had not signed to transfer, they had signed simply to say 'I have read and understood what the letter says' and that, in fact, at the time the decision was being taken, on 8th October, it was really a one-way decision, because if you are told the entity that employs you is going to be dissolved and discontinued and not going to continue employing people, then if you do not go, where are you or where do you remain? On that basis, I agreed that even those who had signed should be given the option of, as it were, 'returning home', if they wanted to do that, to the GDC.

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Given that much of the second thoughts that people were expressing was because of the ring fencing, I said to them, 'Look, the position is that you are guaranteed that the pay will be the pay in your original letter, the conditions will be the conditions in your original letter: from now on, the GDC will track the Civil Service'. So these are not conditions personal to the holder.

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Everybody that gets taken on by the GDC will have the same pay and the same conditions that have been

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introduced and since you will not be ring-fenced and it is the intention, as a matter of Government policy, to expand the role of the GDC, rather than move in the opposite direction, you probably have got better opportunities if you stay in the GDC but, at the end of the day, the Government and I do not have a particular preference; we do not want to push people in one direction or the other. It is a matter that each individual will be able to choose which way they want to go.

In practice, there has tended to be a situation where, in each group, most of the people have gone the same way. So in one area almost everybody is Civil Service and in another area almost everybody is GDC, so it has turned out quite tidy at the end of the day, because it is not a fragmented situation, where people are half in and half out, but the final result is that 67 opted to be in the Civil Service and 94 opted to stay in the GDC.

Hon. P R Caruana: Two things: first of all, going briefly back to the issues that we have agreed to put aside, everything that the hon. Member says about... I have never known whether civil servants get registered at the ETB or not, because of the PSC, but assuming, taking in what is implicit in what he says that, even the civil servants registered and deregistered at the matter of administrative act?, which is not something that I am familiar with, but presumably he concedes that whatever may be the desirability or need for public servants to be in order, at the Employment Service, it does not undermine... In other words, any administrative failure is not germane to whether or not you are an employee of a particular person or not, which is a matter of employment laws. In other words, once you get inducted into the Civil Service you are a civil servant, even if the Civil Service is then incurred in an administrative failure in not doing the registration paperwork at the Civil Service.

So that he can answer both together, could I just also ask whether the effect of the fact that 67 have opted to stay in the Civil Service, I think he said – unless I have got them the wrong way round – and 94 remained behind or went back... how many of those went back to, or never left... but the effect is that, for the 67 that chose to remain in the Civil Service, the ring fence... the fence in the ring fence has become tighter, has it, because there are now fewer posts for them to be able to opt to, fewer other posts for them, or can they still opt for all the posts, even the ones currently occupied by someone who has chosen to go back to the GDC?

Hon. J J Bossano: I do not think it has become tighter but, taking the first point: the whole point, Mr Speaker, is that in the GDC there were 160 people registered with the ETB, right? And their employer was the GDC. The law says that if the GDC terminates the employment of its people, like any other employer in Gibraltar, there is a penalty if they do not do it. (*Interjection*) Well, no, penalty is one thing, complying with the law is one thing... The rule of law... I am no QC, but I would have thought that the rule of law is important and if the inspector is breaking the law, how can the inspector take somebody to court for breaking the law that *he* is breaking?

It is not just the GDC. There are people in all the other companies, that are still shown in the GDC as working somewhere else, in breach of the requirements of the Employment Act, which was considered to be so important when the hon. Member brought it here, that he may remember he wanted to fine people £3,500 for not putting termination... and I thought that was a bit steep.

I can tell the hon. Member that the Employment Service now takes its duties in this respect very seriously, is fining everybody in sight, from the GDC on! They have not decided whether they should fine themselves, but certainly everybody else is being fined for not doing what the law requires them to do. The result of that is that I hope – (*Interjection*) – certainly.

Hon. P R Caruana: Does he agree with me... I agree with him that, of course, there is a rule in the law that has to be complied with, and it applies to the GDC or Government companies and, of course, there is an obligation to comply with it and the sanction is the same and it might even undermine your moral standing, as an enforcer, if you are not yourself in order.

Will he, on reflection, agree with me that he cannot take that so far as to say... and, therefore, any employment relationship that is the object of this administrative irregularity is not valid, *cannot be right*, because, otherwise, all an employer would need to do to defeat the employment contract aspect of the employer's relationship with its employee is simply not register and pay a fine? In other words, compliance by an employer with the administrative, legal, penalisable obligation to do certain things that the ETB does not, if it is not complied with, mean that the worker concerned is not actually, in contract law, a contracted employee of that employer. That is the only point I was making.

2320 **Hon. J J Bossano:** I do not agree with him although, Mr Speaker, I do not pretend to be somebody trained in law, but I can tell him, that if I was an employee of the GDC and I was told on 1st October 'You are a civil servant, whether you like it or you do not', without my consent... Yes, that is what happened, because people were told, as a result of an agreement with a union, that the Public Service Commission has decided to put you all in the Civil Service. Here is a letter on your pay and your conditions and the Official Secrets Act and all the rest of it. Sign it! And 92 said: 'I do not sign it'.

If those people did not sign it, and if –

2325 **Hon. P R Caruana:** A good point: he is right, those people are not, therefore, changing their employer. In other words, you cannot unilaterally be passed from one employer to another by the employer.

2330 That is not the point I am making. The point I am making is that, when there is consensus, when the employee *has* agreed where an employee has been agreed to change from one employer to another, that transfer, that new relationship with the second new employer is not conditional for its legal validity on the paperwork being put in place in the ETB.

That is the point I am making but, of course, I agree with *him* that you cannot be transferred, so anyone who did not consciously agree to be transferred did not, in fact, transfer.

2335 **Hon. J J Bossano:** Right, Mr Speaker, but that is not what people were told. (*Interjections*) No, no, but the 92 who did not sign, were told that the fact that you have not signed is neither here nor there, because the Public Service Commission has made you public servants. It is an issue that was reflected in a letter that he wrote and gave to Mr Albert Hewitt to read in a meeting, where he said that because the Public Service Commission has transferred you, you were transferred and that is it, and you have all been civil servants since 1st October.

2340 I do not agree that that is the correct position in law and I certainly think that the 92 people who did not sign, who thought that if the letter required their signature, it was because they had an option to sign or not sign and that, therefore, it made a difference whether they signed or they did not sign... So, independent of the fact that the GDC failed to notify the Employment Service that *x* number of their employees had left employment and were now in the Civil Service, on top of that, even those who have not chosen to leave, were told that, whether they liked it or not, they also had left the GDC and were civil servants.

2345 So, the net result is, because 94 have come back, it is true that the ring-fencing is now the ring-fencing of the 67, but also –

2350 **Hon. P R Caruana:** In those posts?

Hon. J J Bossano: In those posts, but it is also, by definition, a position where only the 67 can compete for those jobs, so there are around 94 people who are excluded from the equation and, in the end, the only way one could see whether, actually, the 67 are better off or worse off, is dependent on the number of higher-grade posts that there are in the 67.

2355 **Hon. P R Caruana:** They may be better off, Mr Speaker, would he agree, in terms of competition for 67 posts, but they are worse off in terms of the range of activities that they could opt to do, so that is what I had meant, when I said that the rings were getting tighter. Whereas, before, they had 150 something posts scattered around many activities, that anyone could have cross fertilised from one activity to another, now it is the number of activities and posts within the 67 that have stayed behind.

2360 **Hon. J J Bossano:** That is, in fact, an accurate description, but I have to point out to the hon. Member that, from what I have seen of the spread of activities and the time that people have been in the area, it seems, really, that the people who are in the Tourist area are in the Tourist area because they want to be in the Tourist area and the people in the Employment area are in the Employment area because that is where they want to be. There has been very little, if any, movement between these sectors.

2370 So what now happens is that, really, the people are staying in the kind of work they want to be and I would imagine that, even though the 94 may have more opportunity in other fields, it is more likely to be an opportunity that people who are at AO level will want to take up and not the people who are higher up the structure.

Mr Speaker: The Hon. Daniel Feetham.

2375 **Hon. D A Feetham:** Can the hon. Gentleman confirm that, in fact, Unite have expressed a view to you that ring-fencing the ring-fence, so to speak, in relation to the 67 civil servants, the 67 people, that that amounts to a unilateral variation of those individuals' contracts?

2380 **Hon. J J Bossano:** Well, Unite can have the view that it likes and it can take the matter for a judge to decide whether it is or it is not. In my view, the decision to put them all in the Civil Service, without their individual consents, was a unilateral decision of the contracts of the GDC employees.

2385 **Hon. D A Feetham:** So would the hon. Gentleman confirm that the answer is 'yes', that Unite have expressed the view to you that what he is doing amounts to a unilateral variation of these employees' contracts.

Hon. J J Bossano: Yes, Unite, that was responsible for the unilateral variation of the GDC contracts, believes that what they did to 166 was right and that what I am doing to 67 is wrong. That is correct.

2390 **Hon. D A Feetham:** Thank you very much – it was not that difficult! (*Laughter*)
Can the hon. Gentleman confirm that Unite have also asked for a meeting with the hon. Gentleman to discuss this and have asked for the process to be frozen until after that meeting.

2395 **Hon. J J Bossano:** Well, they have not asked it now, because the process is long gone by, and people have taken a decision. At the time that I gave the people the choice, Unite considered that having had two months to think about it was insufficient time, although they accepted that, with the previous administration, having had eight days to think about it was a sufficient time.

2400 So people were told on the 1st they were going to be moved and they had to decide by 8th October. I came in on 9th December and I gave them two months to think about it, and the people who had thought that eight days was sufficient before thought now that eight weeks was too little time after!

2405 Given that nobody was being forced – unlike the first time, when they were moved, whether they liked it or not – the second was that if they did not want to come back, they could all stay in the Civil Service. The view that I took was that I have gone to the length of giving them an option that did not exist, so therefore it was something that I was not obliged to give – I inherited a situation where they were all told they were in the Civil Service, take it or leave it. I came in and I said, 'Well, look, you do not have to take it or leave it, you can change your mind.' I explained it individually. I called a meeting of all 166, I answered all their questions over three and a half hours, and I thought I had given them a greater deal of consultation, involvement and participation than anything they had enjoyed previously and that, therefore, there was no justification in the request by Unite to delay the process, other than to delay the process - period.

2410 In any event, given that their concern was about the people in the Civil Service, I am not responsible for the people in the Civil Service; I am responsible for the people in the GDC. So, therefore, if the people in the Civil Service were unhappy about the offer for moving to the GDC, all they had to do was to stay as they were on 1st October, because there was no preference to bring them back. If they had chosen to stay in the Civil Service, then the GDC would simply have gone ahead with doing whatever it wanted to do with the new employees.

2415 **Hon. D A Feetham:** So the answer is that the Government does a song and dance about greater consultation, greater transparency, greater accountability, but the Minister for Employment of that Government refused to meet Unite and refused a two-week freeze of the process – a two-week freeze of the process! – in order to allow the union representatives of these employees to meet with you and to discuss it. Is that not the case?

2425 **Hon. J J Bossano:** No, the case is that Unite was happy, when he was in Government, to have a decision taken in eight days and when we came in, we gave eight weeks – and when we gave them eight weeks, Unite thought it was too little and they wanted at least two weeks. The answer to that was it was quite simple: if they did not like what was on offer, all they had to do was stay with what they had signed up to and accepted from the previous administration.

2430 So the position of Unite had absolutely no basis and no justification, because they were not being told they could not have what they had. They had what they had and they could keep it! So why should the new Government, having given them more than they had, now have to enter into a period of consultation, when they were ready to accept less before?

2435 **Hon. P R Caruana:** Well, Mr Speaker, does he not accept that the reason might be because it is not as clear cut a choice as the hon. Member is describing? It sounds very good for him to say, 'Why do you need more than two weeks if, after all, you can stay as you are and just don't accept the offer that I am giving you two months to think about – or that I have given you two months to think about, which is either not to go at all or to come back?'

2440 Does he not understand that the reason might be that those who had already gone, and had to decide whether or not they wanted to come back, had legitimate concerns about how what the hon. Member was proposing would affect their ring-fencing rights, some of which I have asked him this morning in the questions, and they wanted clarification from the hon. Member about what the impact would be upon those who chose to keep what the previous Government had done for them and not entertained the hon. Member, and that the two weeks were needed, whilst those workers decided whether they should stay or come back, once they understood how their position might have been altered by this new development?

2445 **Hon. J J Bossano:** The answer to that question, Mr Speaker, is that if it was not that the two weeks was needed; it is that they wanted at least two *more* weeks with no - (**A Member:** No.) Yes, that is what the letter said - (*Interjection*)

2450 **Mr Speaker:** Order! The Minister is answering.

2455 **Hon. J J Bossano:** - to take a decision on something where it was not a 'take it or leave it' position. It was a position that had been under discussion for a number of weeks before and, in a three and a half hour face-to-face meeting in the theatre of the Mackintosh Hall, where people were able to ask as many questions as they could possibly think of, the two weeks would not have enabled me to give them more answers, more detailed answers or more explanations than had already been given to them.

2460 They already raised all these issues. They were already told that this was the position and that, therefore, nobody was putting a gun to their head. The position was that there were people who did not want to go and we wanted to give them the opportunity to stay; that the people who had already decided to go, to whom we had no obligation because they chose to do that, we were giving them the opportunity of coming back if they wanted to come back, and that having had eight weeks to do it...

2465 Well, look, the thing happened on 1st October. The election was on 8th December. Between 1st October and 8th December, no consultation, no meeting, no discussion, no nothing! We come in on 9th December and then, finally, after two months, they want two more weeks. We are not talking about two weeks any more; we are talking about five months since the original decision was taken. What is it - that the union had to wait for me to arrive on the scene before they could discuss it with anybody?

2470 **Hon. D A Feetham:** Let me ask the hon. Gentleman a question that was put in correspondence to a Human Resources manager, copied to the Chief Minister of Gibraltar, which was not answered - perhaps he could answer it now here in this Parliament and, indirectly, to GDC members.

'Doesn't the hon. Gentleman think that refusing to meet Unite'

- refusing to meet with them - refusing a simple two-week freeze - just a simple two-week freeze -

2475 'that this has obliged many affected members, who required further clarification of their terms and conditions, to take a decision under duress?'

That is a direct quote from a letter on behalf of Unite to the Chief Minister of Gibraltar.

2480 **Hon. J J Bossano:** Well, I do not know who drafted the letter from Unite. Certainly, the people who signed it I do not think were capable of spelling out the word 'duress'.
Nevertheless -

2485 **Hon. D A Feetham:** That appears to be the problem. The problem is your relationship with Unite and your – *(Interjections)*

Mr Speaker: Order! Order! Order!
The Hon. Minister is answering a question.

2490 **Hon. J J Bossano:** Mr Speaker, I do not have a problem with Unite. If Unite has a problem with me, then I think you should talk to them and not to me.

2495 The fact that Unite writes to me about something to do with the Civil Service is not something that I am going to answer, because I am not responsible for the Civil Service. I am responsible for the GDC, and the people in the GDC have not gone to Unite, asking Unite to say anything. The people who were complaining were the people remaining in the Civil Service who had no right to complain, as far as I am concerned, because I was giving them an option that they did not have on 1st October, that they had not complained about after 1st October, that they had from 9th December to think about, that they had eight weeks to think about it, that they had three and a half hours with me – and that is a level of consultation of workers involved in the GDC that they have never experienced in the entire 15 years.

2500 So the answer is, I do not agree with his analysis and, therefore, all he is trying to do is make political capital out of being the champion of Unite. Well, look, if he wants to be the champion of Unite, then he can be the champion of Unite. I do not want to compete with him in that area.

2505 **Hon. C A Bruzon:** Mr Speaker, please, on a point of order.
If you allow me, hon. Member, I honestly cannot remember the original question, Mr Speaker.

Mr Speaker: Well, I can.

Hon. C A Bruzon: You can. Are we still on the - ?

2510 **Mr Speaker:** Well, we are still on the subject and, in my discretion, I will allow the supplementary.

Hon. C A Bruzon: Okay.

2515 **Hon. D A Feetham:** How many times has the hon. Gentleman met in an official capacity with Mr Sisarello or Victor Ochello from 9th December last year?

Hon. J J Bossano: None - either official or unofficial. *(Interjections)*

2520 **Hon. D A Feetham:** It is the first straight answer that we have got from the hon. Gentleman in the whole morning! *(Laughter)*

2525 Just one final question. Again, I want to just read, before I ask him, from a letter on behalf of GDC members that was written to Brenda Cumbo but copied to the Chief Minister of Gibraltar. It was written because, in fact, there was a previous letter from the same source, to the hon. Gentleman, that went without response, and it says this:

2530 ‘The fact that *their* [GDC] members’ genuine and reasonable request for further information and time to consider the same have been dismissed out of hand and without even the courtesy of a written reply has left many of the said members very distressed. Many of these members feel that they have been bullied into making an abrupt decision and go forward in an atmosphere of uncertainty, distrust and fear.’

Does the hon. Gentleman feel proud the GDC members feel in that particular way because of decisions that he has made?

2535 **Hon. J J Bossano:** Well, I work very closely with GDC members and that is not what they are transmitting to me. That is the view of people who are probably out of touch with their own membership and, therefore, I do not agree.

Hon. P R Caruana: Mr Speaker, I detected a certain degree of relish, almost pride, in the hon. Member’s

2540 answer that he had not had a single meeting with any of the elected officers of Unite since 9th December. I think that, Mr Speaker... would he accept that that is precisely an issue which is worthy of comment.

2545 Does it not strike him, as being a Minister in a Government that prides itself and, indeed, got elected riding on the crest of a wave on openness, consultation, stake holding, relationships with outside stakeholders, that the Minister for Employment, himself an ex-trade union leader, has presided in the last eight or nine weeks over some pretty *significant* changes of policy, involving worker rights and interests, for example, the GDC part reversal albeit voluntary that he has presided over, the superannuation fund, the employment trainees - a shift of people from trainees to employ...?

2550 That this *huge* change, really, in areas affecting working people in Gibraltar, members of Unite. Does it not strike the hon. Member as odd that he should not have had a single meeting with the union, Unite, in respect of *any* of those matters? Does he not agree that that reflects a state of personal animosity between him and the then leadership of Unite?

Hon. J J Bossano: I do not accept that it reflects what he says it reflects in his last remark.

2555 I will tell him what it reflects. It reflects the fact that the things that we have introduced, as a Government, are things that the union never requested, never thought of fighting for, never asked anybody to do. Therefore, I do not see how we need to consult if we have produced a situation, where the union is happy that people should get £450, I do not see any need to consult the union as to whether they agree that they should get £912. Or does he think that...?

2560 **Hon. P R Caruana:** The basis of consultation is not whether you agree or disagree!

Hon. J J Bossano: No, no, no, the union based on consultation is that the union is consulted about things, on the basis that the person consulting the union thinks they need the union agreement to do something, not because you are giving something that nobody is asking for.

2565 The introduction of the GSLP/Liberal manifesto is an electoral commitment with the electorate not with Unite. Therefore, we are delivering what we set out to deliver and the people that we had to consult, we consulted on 8th December. Those people that we consulted decided by a majority that they approved the programme and we are going to implement it. I do not accept that the implementation of the manifesto on which we have been elected requires consultation with Unite.

2570 That is the answer.

Hon. P R Caruana: A democratically elected Government can use its executive powers and its parliamentary majority to do what it likes without consulting anybody, without the courtesy of bringing in representative bodies to explain to them in advance... of course, that is the case.

2575 But *this* particular Government was elected on the promise of not doing that – of doing the opposite, Mr Speaker. That is the point. The point is that the hon. Members have made *huge* changes in things affecting the union which, with a Government with a normal relationship with the union would not have contemplated, surely, in introducing these changes without at least bringing the union in and explaining to them *in advance* what they might be contemplating doing.

2580 Will the hon. Member at least say whether, since the 9th December, to his knowledge, either the current District Officer, Charles Sisarello, or his deputy, the Branch Officer, Mr Ochello, had sought access to him – have sought a meeting with him?

2585 **Hon. J J Bossano:** They have not sought a meeting with me for anything for which I am responsible, which does not include industrial relations of the Civil Service. I am not –

Hon. P R Caruana: Have they sought a meeting with him?

2590 **Hon. J J Bossano:** Not for anything for which I am responsible. If they seek a meeting for me on an industrial relations problem in the Civil Service, they are pointed in the right direction - which is not me.

Hon. P R Caruana: Is it not the case, Mr Speaker, therefore that they *have* sought a meeting with him, that he apparently now is arguing that it has been denied to them because it was for something not to do with them -

2595 **Hon. J J Bossano:** No, I have not, no, no, no -

Hon. P R Caruana: The union, Unite, has sought a meeting, yes or no?

Hon. J J Bossano: No, I have not said -

2600 **Hon. P R Caruana:** Have they sought a meeting?

Hon. J J Bossano: No, I have not said that; I have said, *if* they sought a meeting with me on an industrial problem, in anywhere in the Civil Service -

2605 **Hon. P R Caruana:** My question was not qualified.

Hon. J J Bossano: I do not know whether they have or they have not but, if they have, they will have been pointed in the right direction, which is in the direction of the Minister with responsibility for industrial relations, which is not me.

2610

Hon. P R Caruana: I see. So they may have sought a meeting with you.

So will the hon. Member confirm that it is *not* the case that he has said to anybody that he would not meet with either of those two gentlemen?

2615 **Hon. J J Bossano:** That is correct.

Hon. P R Caruana: It is correct that he has not said that?

2620 **Hon. J J Bossano:** I have not said that, no.

Hon. P R Caruana: And you are, therefore, quite open to meeting with them -

Hon. J J Bossano: Well, no, I am not quite open to meeting with them. I will meet them if what they raise is something which I am responsible for, and not otherwise – obviously.

2625

Hon. P R Caruana: Mr Speaker, the hon. Member is the Minister for Employment! (**Hon. J J Bossano:** Yes.) This idea that if a union wants access to the socialist Minister for Employment, they have to calibrate the subject matter precisely so that the hon. Member is not able to say ‘That is not my responsibility’ is itself an extraordinary state of affairs, is it not?

2630

Hon. J J Bossano: It is not... I will tell him why it is not an extraordinary state of affairs: because in the last 15 years, although the Minister for Employment had industrial relations in his portfolio gazetted, all the negotiations were done with him.

2635 Now the industrial relations is not gazetted as being mine, and therefore unions do not negotiate with me; unions negotiate with the Chief Minister, which they were doing before the 9th, except that, theoretically, the person responsible was Mr Montiel who was the last person to find out what was going on. That is the difference.

2640 **Hon. P R Caruana:** Mr Speaker, is he not the Minister with responsibility for the GDC? (**Hon. J J Bossano:** Yes.) And if he is the Minister with responsibility for the GDC, surely the union, Unite, is entitled to ask for a meeting with him about GDC matters?

2645 **Hon. J J Bossano:** Yes, but the union, Unite, was not making representations to me about the GDC matter. It was making representations to me about civil servants who, having accepted that they were staying in the Civil Service, now wanted to come back, having had a meeting in Unite, where Unite said the position of the Leader of the Opposition and the position of Unite is the same - that everybody is a civil servant.

I do not know whether he has been converted, because he always used to remind me that he was not a socialist and now he has become part of the hierarchy of Unite, but the fact that he and Unite coincided in that

2650 they were all civil servants on 1st October, as far as I am concerned does not give Unite the right to talk about the positions of those who did not want to be in the Civil Service and who chose to stay in the GDC. If there are people in the 94 that came in to the GDC, bullied under duress, then I will write to each one of the 94 and let us see what they tell me, because I do not want people who do not want to be where they are.

2655 **Hon. P R Caruana:** But is it not the case, if he can hone this back to the GDC 67 or 94, however you like, had or had not... the fact that he is on that territory... surely, he accepts and understands the fact that he looks through a magnifying glass at the reason why union leaders want meetings with him, to decide whether they are appropriate or not, is the answer that I am trying to get to.

2660 Is it not the case that the Branch Officer and the District Officer of Unite have asked for meetings with him for general purposes and that he has refused to see them?

Hon. J J Bossano: If they have – and I cannot say without going back and checking – I would have refused to see them if they wanted to see me for general purposes. I am not the Minister for General Purposes! (*Interjections*) Therefore, they can only see me for something that I am responsible for.

2665 **Hon. P R Caruana:** General employment purposes...!

2670 **Hon. J J Bossano:** Well, no, they certainly have not come to see me about general employment purposes – and they certainly have not expressed one single word of concern about the fact that there are 1,300 people unemployed, which I find quite extraordinary from committed trade unionists!

Mr Speaker: The Hon. – Sorry, the Hon. Leader of the Opposition.

Hon. P R Caruana: My final supplementary, Mr Speaker, on this issue.

2675 Mr Speaker, will the hon. Member acknowledge in this House that, in his relationship towards the union, Unite, to date, and in his willingness to see them or not see them, he has been motivated in significant part, not by the normality of fluidity and accessibility that there ought to be between an Employment Minister and the leadership of Gibraltar's largest trade union, but rather by a degree of personal and possibly even political animosity towards the individuals that were in the leadership of that union?

2680 **Hon. J J Bossano:** No, I do not, Mr Speaker.

2685 **Industrial Tribunal (Calculation of Compensation) Regulations 1992
Changes to Basic Award**

Clerk: Question 138, the Hon. D A Feetham.

2690 **Hon. D A Feetham:** Can the Minister for Employment state whether it was the Government's intention when making the changes to the Basic Award in the Industrial Tribunal (Calculation of Compensation) Regulations 1992 to give those changes retrospective effect and make them applicable to claims that had already been lodged with the Industrial Tribunal?

2695 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

2700 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, irrespective of the date when any claim is lodged, the changes to the Basic Award in the Industrial Tribunal (Calculation of Compensation) Regulations 1992 will apply in respect of any determination by the Tribunal made after this amendment.

Hon. D A Feetham: Did the hon. Member consult anyone before introducing these changes?

Hon. J J Bossano:No, Mr Speaker. I did not consult anybody, because I had fought an election saying we

2705 would do it if we got elected.
As far as I know, when the previous Government removed the provision which we have now put back, in 2008, they did not consult anybody, either.

Hon. D A Feetham: Well, the hon. Gentleman would be wrong in making that assumption because, in fact, I did. I consulted all the chairmen of the Industrial Tribunal.

2710 The reason why *we* made the change was because the vast majority of the chairmen of the Industrial Tribunal took the view that the provisions as they then stood provided no discretion in relation to the Basic Award. What we did was we actually clarified the law in order to make that absolutely clear.

2715 Does the hon. Gentleman think that it is good practice to actually change the law and give it retrospective effect and that is affecting parties' rights in this particular way?

Hon. J J Bossano: Well, Mr Speaker, if it is not good practice, then he should not have done it in 2008, because when he did it in 2008, he cut the figure at £2,200 for all the pending cases as well, so if what is with them now is retrospection, what he did in 2008 was retrospection.

2720 **Hon. D A Feetham:** Mr Speaker, again for the hon. Gentleman's benefit, we did not retrospectively change anything. All we did was make sure that the law, as we were being told... We made clear that the law, as we were being told by the Industrial chairmen was the position – we made clear that was the position. That is not *changing* anything retrospectively.

2725 But does he not accept that this particular change causes huge uncertainty for employers and also for lawyers, who cannot now calculate the compensation payable to employees?

Hon. J J Bossano: Well, I do not know whether it causes great uncertainty or not. I can tell the hon. Member that it did not cause great uncertainty to lawyers or anybody else between 1992 and 2008. The law was there for 16 years. For 12 of the 16 years – that is for longer than it was under the GSLP...

2730 Mr Speaker, does the hon. Member have an interest in the answer or does he...? Is he interested in the answer?

Mr Speaker: I cannot order a Member to listen, but...

2735 **Hon. J J Bossano:** No, no, but if he is not interested in the answer, I will not bother to give it; I will sit down.

Mr Speaker: I will leave it to the Minister to answer...

2740 **Hon. P R Caruana:** I think the correct parliamentary procedure is that the hon. Member is addressing the Chair and addressing the whole House, not just the questioner.

2745 **Hon. J J Bossano:** Well, I have no doubt that the Chair and the whole House *is* interested, but if the questioner is not interested, then I do not know whether it is worth doing it for the sake of the whole House and the Chair.

Mr Speaker: But I am interested –

2750 **Hon. D A Feetham:** The hon. Gentleman should not assume that I am not listening, simply because I am not looking at him directly.

Hon. J J Bossano: No, no, no, because he was in deep conversation with his 'mentor' and I do not know whether it was his 'mentor' was already preparing his next supplementary for him.

2755 The answer is that - (*Interjection and laughter*) Peppermint instead of 'mentor', is it?
The answer to the hon. Member's question is that the law was introduced on the basis that the award could be not less than £2,200 but there was no upper limit.

In 2008, the Government decided to change the law and make the £2,200 the maximum, because it was the *only* amount that could be awarded. He calls that 'clarification'; I can tell him that there were a number of

2760 pending cases that I was dealing with in the Tribunal, where the workers who might have got £2,200 or £2,300 or £2,400 were capped because of the change that was brought in, and he did not seem to think that depriving them of the legitimate expectation that they had before the cap was put was retrospective. But he is saying that this is now retrospective. Well, I do not know why it is retrospective *now* and it was not retrospective then, when the effect is similar.

2765 But, in any event, this does not require anybody to give more than £2,200; it makes it *possible*. So that there is no doubt, the wording that was there before has not been restored, so that we now make it very clear that it is at the discretion of the Chairman, how much above the £2,200 he wants to go. Now it may be that the lawyers that represent employers may find this something that is not very welcome. I am sure the lawyers that represent dismissed persons will welcome it.

2770 **Hon. N F Costa:** Mr Speaker, just by way of clarification to the hon. Gentleman, and I am working from recollection, but I am quite sure I remember reading two judgments where one chairman did, in fact, increase the basic award from £2,000 to around £5,000-£6,000, so there is judicial precedent by which chairmen can guide themselves, so it is not an insurmountable or impossible task. There is judicial precedent that I recall.

2775 **Hon. D A Feetham:** No, there was, in fact, I think, one decision by an industrial tribunal chairman. I had a meeting with all the chairmen of the Industrial Tribunal... In fact, I am not sure that the Speaker was there because I think that it was not appropriate to ask the Speaker.

2780 **Mr Speaker:** I had abandoned that practice by then.

2785 **Hon. D A Feetham:** - or he had abandoned the practice by then. But I had a meeting and the view that was expressed to me was that, as a matter of statutory interpretation, it was not right for... the cap was £2,300, as a matter of statutory interpretation. That was the view that was expressed to me, and that it was unsatisfactory that you had a situation where you had one or two chairmen of the Industrial Tribunal that took a different position to *all* the others.

2790 So the Government then took a decision to clarify the situation and say, 'Right, this is the law as it *exists*,' because it is clearly unsatisfactory for some chairmen to take the view... the vast majority of chairmen to take the view that it gave no discretion, and there were one or two, as I recall, that took a different position altogether.

2790 But may I ask the hon. Member opposite: how will lawyers and also employers calculate how much of the basic award is actually payable to *anybody*? Does he know? Does he have a clue about that at all?

2795 **Hon. J J Bossano:** I can tell the hon. Member, first, that when the law was introduced by the GSLP in 1992 it was introduced on the basis that what we were producing was a *minimum* of £2,200 and no maximum and that, therefore, if some people have chosen to pay the £2,200 and other people have chosen more, at no stage did people come to us and say, 'We interpret not less than £2,200 as meaning no more than £2,200.'

2800 I do not have the benefit of being a lawyer, so I read the English language as it is written, and therefore, for me, 'not less than' means that you can go, as a minimum, for £2,200. For some people to say that it is a matter of interpretation whether 'not less than' means not less than or not more than, which is what the hon. Member is telling the different views of different Tribunal chairmen has been, is something that was never put to me. If it had been put to me, I can tell him the wording would have been changed to make it crystal clear that 'not less than' means *at least* £2,200.

2805 Now, to make sure that that argument no longer holds true, it says *not less than* £2,200 and at the discretion of the chairman. The chairman is free to award whatever amount he thinks appropriate, using his discretion, in the circumstances of the case. There are, for example, in the United Kingdom, *unlimited* awards for compensation for a variety of grounds for dismissal, which do not exist in Gibraltar and which I hope to bring in as well.

2810 **Hon. D A Feetham:** But does the hon. Gentleman not accept that, in fact, the difference between the hon. Gentleman and myself in relation to this particular issue is that I happened to bother consulting the people who are administering the system: the chairmen of the industrial tribunal. You have not bothered to consult *anybody*, and this from the Government of many consultations!

2815 **Hon. J J Bossano:** I can tell him that the intention of Parliament – not the views of the lawyers that go to Tribunals; the intention of Parliament in 1992 – was that the minimum should be £2,200. (*Interjection*) At no time has anybody... Yes, the intention of Parliament, because that was done when we were in Government.

2820 **Hon. D A Feetham:** No, not the intention of Parliament; the intention of the Minister, because it never came to Parliament. It was subsidiary legislation.

Hon. J J Bossano: Well, right, but it was a regulation made under the provisions of the law and the intention was then clearly spelt out that the minimum was £2,200.

2825 As far as I am concerned, the Tribunal chairmen have either given £2,200 or given more than £2,200 because they were not allowed to give less. It was not because they were not permitted to give more. The fact that his consultants and people have told him ‘We haven’t given more because we didn’t think we could,’ should make those people happy now, because now they know they can. So what I have given now to all the people who said to him, ‘We have got a problem, that we do not know if we can go over,’ now that problem has been removed. The uncertainty that worried all those lawyers representing employers has now been removed by the action we have taken. Now it is clear they can give more, they can now sleep at night, comfortable in the idea that the sky is the limit and they can give workers as much money as they want. (*Interjections*)

2830 **Hon. D A Feetham:** The hon. Gentleman may laugh at this but, in fact, there are many employers that feel very concerned about this particular situation, because now... and, indeed, there are a lot of lawyers that feel very concerned about this particular situation because the compensatory award is there to compensate for... to place the person in a position where they would have been had the employer, for example, not undertaken the breach of contract or not done what they have done.

2840 The basic award is something over and above that, but now, as the legislation stands... Does he not accept that that is the uncertainty? As the legislation stands, there are no principles *at all* on which anybody can calculate the basic award. The hon. Gentleman laughs, but what he is really saying is, ‘Well, look, I don’t care – it is up to the chairman of the Industrial Tribunal to decide what the basic award is,’ but that creates *uncertainty* for employers, for employees and also for lawyers. Does he not accept that? (*Interjections*)

2845 **Hon. C A Bruzon:** Where is the question?

2850 **Hon. J J Bossano:** Mr Speaker, I do not accept anything that he has said. I do not accept anything that he has said, because the intention in 1992, which they changed 16 years later – that is, it took them 16 years to realise there was uncertainty – (*Applause*) and after 16 years they decided to cap it, and I have to tell him that there were many occasions in the past, when we were in Government, where fixing a limit on what could be the penalty on something we were told was interfering with the independence of the judiciary...

So, yes, there were many occasions when I was told that. The hon. Member can shake his head, but I was told that.

2855 **Hon. P R Caruana:** Not on that occasion.

Hon. J J Bossano: Well, surely if you cannot say to a lawyer, to a magistrate, how much he can fine somebody for parking or driving, then you should not be able to tell the tribunal, which is a judicial entity, how much it can award in compensation.

2860 So, as far as I am concerned, it was the intention in 1992. It was, in my view, *scandalous* that a former trade union official, Louis Montiel, should be the one that presided over the capping in 2008, and I am happy that one of the first things we have done is put back what was taken away in 2008 and what was happening before 2008 and what was intended in 1992. (*Applause*)

2865 **Hon. P R Caruana:** Mr Speaker, of course it is open to the hon. Members as a matter of policy that the situation that the hon. Member has just described should be brought about. No-one is disputing that they have the right, as a matter of policy, to adopt whatever position is lawful, constitutional, and they wish to adopt in the matter of the re-balancing of the rights and risks between employers and employees.

But can I ask the hon. Member if he would consider that, from that side of the House, the responsibility is

2870 wider than that: that the primary purpose of the legislation we are discussing is, of course, the compensation of people who, let us not forget, have been found to have been unfairly dismissed, and that that is a very laudable objective and that the hon. Member should have as a policy that such people should be properly compensated, I think that is a perfectly legitimate policy. Whether we agree or do not agree with the exact figure, that is another matter.

2875 But that there is another objective, could I ask the hon. Member to take into account, by the Government, should have, and that is to encourage and not *discourage*, particularly given the efforts that the hon. Member is making on the training and employment front, that Government's policies need to balance everything that I have just said with not making it, not discouraging, not disincentivising employers from creating speculative employment because, if an employer cannot know what the financial cost or what the order of the financial cost would be to extricate himself unfairly – unfairly, it has to be said, because we are in the realms of unfair dismissal – from an employment situation, he is going to think much harder before taking that on.

2880 The issue here is not whether £2,200 is too high or too low or whether it was always *intended* to be a minimum and never a maximum, which is what the hon. Member keeps on harping back to, but rather whether the law should provide a framework that allows a calculation of the ballpark of potential liability, as opposed to an open cheque. There are no criteria, there are no guidelines, there are no benchmarks against which an employer or a lawyer advising an employer can possibly form a view about what the exposure might be.

2885 So the issue here is not between the position that occurred in 1992 as against the position that we brought about in, whenever it was, two-thousand and whatever, (**A Member:** Eight.) and eight. The position is that, now that he has done what he has done, in a way which is intended to signal an end to the cap, and the tribunals will take that into account, there is, for the first time – because there is a coincidence of clarification and new law – a complete *vacuum* of reckoner. There is a complete vacuum of criteria against which to calculate potential exposure liability, because it is all literally limitless in the discretion of a tribunal, and that, I think, is a point which may be worth more consideration in slower order than may be implicit in some of the hon. Member's answers.

2890 I would ask him to agree.

2895 **Hon. J J Bossano:** Mr Speaker, there is no evidence from the 16 years when it was not less than £2,200 that any of the problems... (*Interjection*) Well, it did not operate... I do not accept that it did not operate because the people concerned thought they could not do it. It is because they thought they did not want to do it. I have never been in any tribunal where the tribunal chairman – and I have been to many, many, many, many – has said, 'I would like to give you £2,200 but, in my view, the law does not allow me.' That has never been said. They have just said, 'Well, look, £2,200 is what I have to give you,' and that is it. I have often argued for more and I have never ever been told by a chairman, 'I cannot accept your argument because my interpretation is that I am not *able* to give you more. Whenever it has been turned down, it has been turned down on the basis that the chairman has decided that £2,200 is enough, and when they have got over –

Hon. P R Caruana: Regardless of the figure?

2900 **Hon. J J Bossano:** Regardless of the figure in the –

Hon. P R Caruana: In the regulations?

2910 **Hon. J J Bossano:** Throughout the 16 years, in all the Tribunals that I have been, where I have always asked for the maximum in everything, because I think that what you are going to need to do when you go to a Tribunal... But whenever I have asked for more on the basic award, there have been a few occasions when the chairman has been persuaded to maybe say, 'Well, I will give you £2,200 plus inflation since 1992.' But I have never had a chairman who says, 'Well, I think this is a deserving case. I would like to give you £2,200 but my interpretation is that I am not permitted by the wording to go beyond £2,200.'

2915 I have never come across that in any Tribunal that I have ever been in and, therefore, I see no reason for supposing that what I have not experienced in 16 years is going to happen now. But if, indeed, there is a problem in the future which has not happened in the past and it needs to be revisited, I will revisit it – but I do not believe there will be a problem.

2925 **Hon. D A Feetham:** Just one final... Does he not accept that the very fact that he has not reverted to the former wording 'not less than', but has used a completely different wording, actually implicitly accepts that the position was not clear?

2930 **Hon. J J Bossano:** No, I accept that there were people like him that *thought* it was not clear, (*Laughter*) and therefore to make sure that he does not make the mistake again. (*Applause*)

Hon. D A Feetham: The hon. Gentleman gives me too much importance, I have to say.

Hon. J J Bossano: Well, it shows how much I think about about him, Mr Speaker.

2935 **Mr Speaker:** Next question, please.

A Member: As opposed to...?

2940 **Mr Speaker:** The Hon. –

Hon. Dr J J Garcia: Mr Speaker, I move the House to now adjourn to three o'clock today.

2945 **Mr Speaker:** Is that convenient to all the hon. Members? This House will adjourn until 3.00 p.m. this afternoon.

The House adjourned at 1.05 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.15 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

ENTERPRISE, TRAINING AND EMPLOYMENT

**Offers of employment by and through Government
Guarantees to staff recruited through recruitment agencies**

Clerk: Answers to questions continue.
Question 139 of 2012, the Hon. D A Feetham.

5 **Hon. D A Feetham:** Will the Minister for Employment confirm that he will respect and honour any offer of employment made by any Government Agency or Authority to employees referred to them by recruitment agencies prior to his instructions that Government Agencies or Authorities should not recruit employees in that manner?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I am not aware of the employees that the Member is referring to.

15 **Hon. D A Feetham:** Will the hon. Gentleman confirm that if I refer him to a specific individual who attended an interview - in fact, an interview with the GHA referred to from a recruitment agency - who was offered the job prior to the hon. Gentleman giving the instructions that he gave, will he undertake to this House that he will honour that offer of employment?

20 **Hon. J J Bossano:** No, Mr Speaker. When he tells me about the case I will look into it, but I do not think the GHA or anybody else has got the power to make promises to recruitment agencies.

The position at the moment is that all Government agencies and authorities have to do the same as the private sector has to do, which is to open vacancies with the ETB fourteen days before they are filled, which is what the law requires.

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**Future Job Strategy
Graduate applications**

30 **Clerk:** Question 140, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many graduates have applied to take advantage of the Future Job Strategy?

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

40 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The 10 graduates, Mr Speaker, who were being paid £450 allowance a month, have been transferred to the Graduate Company, earning a salary of £1,368.90.

Hon. D A Feetham: Is it a policy of the Government to use graduate trainees in order to cover maternity leave in Government agencies?

45 **Hon. J J Bossano:** No. The policy of the Government is to employ unemployed graduates and those who were previously on £450 a month on the training that may be relevant to them – if there is a job for them – or in carrying out research work for the Government.

In fact, some of these graduates, two or three of them, were actually working in the Health Service and in other areas on £450 a month and now they are in the same place doing whatever it was they were doing before, but getting £1,368.

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55 **Hon. D A Feetham:** Yes, but does he not accept that it would be quite wrong for the Government to be using the Graduate Trainee Scheme in order, for example, to just pick somebody, a graduate, from the unemployment list, and place them, for example, in the GHA to cover for somebody's maternity leave as part of the Graduate Trainee Scheme, with that person not learning anything? He is just covering for maternity, covering for a job, and therefore ought to be paid at the rates that that job actually carries. Would he not agree with me about that?

60 **Hon. J J Bossano:** I do not agree with anything that he has said because it is all hypothetical. What I have to tell him is that the people who are now in the Health Authority, *now*, at this moment in time, were already there before, except they were being paid £450, instead of £1,368. So whatever it is that it is wrong that they are doing it for £1,300, it was three times as wrong before when they were getting one third!

65 **Hon. D A Feetham:** But, again, the hon. Gentleman has a habit... although I have to say that I have to congratulate him because he has really fine-tuned it to an art form. He obfuscates every single time that I ask a question. He does not want to answer the question.

I have asked him: if you are using... the use of the Graduate Trainee Scheme to cover for maternity leave, that that would be wrong - yes or no? Does he agree with me on that?

70 **Hon. J J Bossano:** Mr Speaker, I do not agree with him because I do not have to agree with any hypothetical suggestion that comes into his head.

75 I have already told him there are 10 and I have told him what the 10 are doing, and he is asking me, 'Suppose, instead of 10 there are 200 in a year's time and they are doing something different, would it be wrong?' I can tell him that, at the moment, the 10 people that are in the Scheme are the same 10 people that were there a month ago. They are in the same place as they were a month ago, which is where they were on 8th December, except that they are now getting £1,300 instead of £450. That is the information that is available that I can give him about the people who are employed in the Graduate Scheme.

80 What may or may not occur in a future date is a hypothetical question and I do not have to answer hypothetical questions.

Hon. D A Feetham: Of course, the hon. Gentleman assumes it is hypothetical, but it is not hypothetical. It is, in fact, linked to the question that I asked in my previous question.

85 There is an individual who was referred to the GHA by a recruitment agency, who attended the interview to cover for maternity leave, who was offered the job by the GHA, who had that offer of a job retracted because of the instructions that he gave round about the same time, and she has now been offered the job - in other words, covering for maternity leave - not at the rates of pay that would have appertained to that post, but on the pay of graduate trainees. It is not hypothetical. Does he agree with me that that is *wrong*?

90 **Hon. J J Bossano:** I do not agree with you that that is wrong, because I do not accept that that is what is happening, but I will investigate it. (*Interjections*)

95 **Future Job Strategy**
Company contracts to refund ETC expenses

Clerk: Question 141, the Hon. D A Feetham.

100 **Hon. D A Feetham:** Can the Minister for Employment state how many companies have signed contracts under the Future Job Strategy agreeing to refund the expenses incurred by Employment Training Company Limited in training that individual if he or she is not employed by that company?

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

105 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, around 70

employers have so far confirmed their willingness to enter into a Business Partnership Agreement with the Employment Training Company to employ trainees placed with them on completion of a training period.

110 **Hon. D A Feetham:** Mr Speaker, but that was not the question.
What I asked was how many employers have signed contracts – have actually signed contracts? Can he answer the question, please?

115 **Hon. J J Bossano:** The answer to the question is that employers are required to sign the contract after 30 days and no employee has had that training for 30 days.

Hon. D A Feetham: So the answer is that no employer has, as yet, signed any of these contracts?

120 **Hon. J J Bossano:** The answer is that no employer, as yet, has been asked to sign. They have been asked to say whether they are willing to sign if they are satisfied with the employee after 30 days and (*Laughter*) 70 have said they are willing to sign at the end of the 30 days. So it is not that we are asking them to do it now and they are refusing.

Hon. D A Feetham: So you are asking a hypothetical question!

125 **Hon. J J Bossano:** No, I am not asking a... It is a clear question. (*Interjection*) Are you willing... (*Interjection*)

Mr Speaker, if the hon. Member wants to have information, then I am prepared to provide him with information. If what the hon. Member wants to do is have things that he can twist to his own advantage (*Laughter*) and make use for the propaganda that he wants to make use, then he is not going to get that from me, (*Interjection*) so he should stop trying. (*Interjection*) He can try, but he is not going to get it.

130 So the answer to the question is that, of the people that have had persons already been placed with them, they have now been notified that, under the new system, they have got up to 30 days to make up their minds, based on whether they think the person would be suitable for the job that is lined up for them. If, at the end of the day, they decide that that person is not suitable, they can then return the person to us.

135 If they do not return the person to us because the person is suitable, then they sign an agreement. Seventy employers have said, if they are satisfied at the end of the 30 days, they will sign. The employers who have not done that have been informed that we will find alternative placements for the people with them.

140 **Hon. D A Feetham:** Is he still satisfied that this Scheme, effectively relying on private sector employees to sign these contracts, that this fulfils their manifesto commitment, and I quote,

‘to give trainees a *guaranteed* full-time job on completion’?

145 **Hon. J J Bossano:** It satisfies everything that we have explained to all the interested parties that have approached us on how this Scheme would work. It does not satisfy the misrepresentation that the hon. Member gave when he said I was going to *ruin* Gibraltar by putting everybody into the public sector. So since he wants to be able to attack me for ruining Gibraltar, even though I have no intention of doing it, he now wants to say that I am going back on my intention of ruining Gibraltar!

150 Now either he has got to make up his mind whether putting everybody in the Government is a very good thing for which he should congratulate me, or not putting them in the Government is something for which he should congratulate me. Clearly, he wants to congratulate me for nothing, so he is going to attack me whatever I do and, therefore, given that he is going to attack me, whatever I do, I will tell him what I am doing and therefore he has to accept that that is what is going to happen. The result will be, I hope, and I am convinced that it will be, that there will be less people unemployed in a year’s time than there are now, which is the purpose of the exercise, which I am sure he wants me, at least in that, to succeed.

155 **Hon. D A Feetham:** I have a copy of... Can I pass up to the hon.... (*Interjections*)
Can he confirm that this is the contract that employers are being asked to sign, guaranteeing the trainees a job at the end of their training? Is this it?

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Hon. J J Bossano: Yes, it is, Mr Speaker. This is the one that says:

165 '...to confirm to the ETCL within 30 days of the start of the Employment Training that there will be a permanent job at the end of this period, subject to successful completion of the employment training period.'

Seventy employers have said 'yes' to one.

170 **Hon. D A Feetham:** What happens in a situation where, for example, the trainee is, in fact, employed, but then sacked a week later? Does he not agree with me that this, actually, does not cater for this situation and that, in fact, it is easily circumvented?

Hon. J J Bossano: I can tell the hon. Member that I do not think employers are going to be irresponsible and want to renege on their commitments.

175 So far the employers that I have dealt with all seem to be responsible people who want the good of Gibraltar but, of course, if the hon. Member is saying that this paper is not worth anything because people can simply wriggle out of it without any commitment, first of all, it is at least an improvement on what was there before when they had to give no commitment of any kind at all. They did not even have to wriggle. They just simply said, 'Go back and send me another one'; but, in any event, he has got to make up his mind. Either this is something that is too onerous for the private sector or something that is meaningless and places no burden on them. The last time in the last Question Time, he was standing up in defence of the private sector, saying how difficult I was making things for private sector employers.

180 I think the hon. Member has to accept that we are in the middle of February, that this started on 1st February, and that he wants me to speculate as to how successful it will be and all I can tell him is that I am determined to make it a success. Therefore, he can tell me that I have failed when I have failed, but I have not failed yet...

190 **Hon. D A Feetham:** Does he not accept that, in actual fact, one looks at this... any cursory examination of this contract, you would be bound to conclude that employers could easily circumvent the so-called 'job guarantee' by just sacking a trainee a week or two weeks, or a month later and they would have to repay absolutely nothing; and, in the light of that, it makes a mockery, an *absolute mockery*, of the guarantee that the hon. Gentleman provided, and the Government opposite, provided in their manifesto – that everybody who undertook training would be guaranteed a full-time job? Isn't that the case?

195 **Hon. J J Bossano:** No, Mr Speaker, it is not the case. What is the case is that the hon. Member, ever since he has spoken on this subject in the House and outside the House, has been rubbishing it. He has called it a con. He said I have reneged. He accused me of being Stalinist and wanted to put everybody in the public sector!

200 The answer is that I think he is afraid that it will work and he wants to undermine it and put a time bomb underneath and undermine confidence in it. I only ask him to please continue doing this because he has got 1,200 persons who are starting to benefit from this, who will be very attentive to all the fault-finding that he is engaged in and I think that will do the support of the Government the power of good. He should keep on doing this and rubbishing it. We will prove him wrong in a year's time.

205 He will have to eat his words in a year's time, when it will be a reasonable time to take stock and, on top of that, it will give me an opportunity to remind all the people that we have got in employment that, if he had been here, they would not be working.

210 **Hon. D A Feetham:** I have to say that, again, it is a masterful performance of obfuscation (*Laughter*) but does he not accept that this is a monumental U-turn because, at the end of the day, there is absolutely no guarantee at all? Does he not accept that there is a world of difference from what he promised at the last General Election, which was to employ everybody in a public company, in a Government-owned company, to the situation that we have now, which is a guarantee in the private sector that is not worth the paper it is written on? Isn't that the case?

215 **Hon. J J Bossano:** No, Mr Speaker.

I accept one thing: that he is the prime expert in Gibraltar on monumental U-turns and that, therefore, he is

220 better qualified than anybody in Gibraltar to assess what is a monumental U-turn. But this is not a
monumental U-turn. What is a monumental U-turn is what he told me in my office when he came back from
England, which was that he had a wonderful career there, that he was not interested in coming to Gibraltar
because he had political ambitions. He was only here to get rid of the man sitting next to him who had done so
much damage to his family (*Interjections*) That is a monumental U-turn. (*Interjections*) That is what he told
me. (*Applause*)

I have to say that, for the benefit and the *safety* of the Hon. Leader of the Opposition, with whom I have
shared so many happy moments in this House, (*Laughter*) I am glad that he has made the U-turn and that he
has got him so close, otherwise he might be in danger!

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Hon. D A Feetham: Well, obviously, the hon. Member is not going to answer the question, but it is very
fresh from the man that he forgets I have a longer memory, it appears, than him. He is obviously older than
me, but the hon. Gentleman went from the IWBP to the Gibraltar Democratic Movement (*Interjections*), to
the GSLP (*Interjections*) in the space of four years! (*Interjections*) That must be some kind of record, Mr
Speaker.

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Mr Speaker: Order. Order. Is there a question there?

Hon. D A Feetham: Yes, Mr Speaker. Is he refusing to answer the question, then?

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Hon. J J Bossano: No, Mr Speaker, I am not answering the question. I am disagreeing with the premise
upon which the question is based and the premise is that I promise things that he attributes to me, which are
his interpretation of what I promised and that he is claiming I am going to fail, which is *his* interpretation of
what *his* wishful thinking is.

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He wishes that there should be 1,300 people unemployed, so that he can say, 'You have been betrayed by
Joe Bossano and unemployment has not gone down.' (*Interjection*) That is what he wants because if that is
not what happens, then it will not be a monumental U-turn and everybody will have a job.

Hon. P R Caruana: No, Mr Speaker.

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Will the hon. Member acknowledge the possibility that that is not the position of the Opposition? Of
course, the position of the Opposition is that we think that we should be over there and they should be back
over here – and we look forward to bringing that about in four years' time, but not at the expense of
unemployed people and certainly not at the expense of Gibraltar, as we have tried to make clear already.

250 Does the hon. Member acknowledge that it would be legitimate for the Opposition to press and question
the hon. Member opposite on the detail, as it emerges, of his Job Strategy Scheme, not because we hope it
fails or because we have no sympathy for the people that may benefit from it – and, therefore, we would
prefer that they were unemployed – not for any of those reasons, but simply because it would be legitimate for
us to compare how what he *actually* delivers compares to what he *promised* before the Election, which we
think was the Election promise that probably got them sitting on that side of the House, as opposed to back on
this side.

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In other words, if there is a perception out there, it is not shared only by my friend, about which he has
said all those unpleasant things, it is also the electorate out there who went into the Election on polling day
thinking, wrongly apparently, that there was some promise by the GSLP to guarantee every unemployed
Gibraltar belonger employment, and all we are doing... and we think it is not illegitimate... and would he
agree that it would not be an illegitimate exercise for us to seek to hold up what he *actually* does against that
perception? Of course, the hon. Member would be free to say, 'Well, that is a *wrong* perception', but it would
not be a wrong perception only held, I have to tell him, by the Hon. Mr Feetham.

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That is what we are doing. We are not hoping he fails. We are hoping he succeeds. We want to know what
the cost is of that success. (*Interjection*)

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Hon. J J Bossano: [*Inaudible*] ...Mr Speaker, there is a difference in the way that is expressed by the
hon. Member opposite and the hon. Member sitting beside him, because it is one thing to say, as he said at the
last meeting, that they are sceptical and they are not as optimistic as I am about what will be achieved and
another thing to say that I deliberately conned everybody in Gibraltar and that I never had any intentions of
doing it. That this is a disgrace. That it is a monumental error. That, first, I am going to ruin Gibraltar, and,

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secondly, that it is not worth the paper that it is written on.

If you say all those things, it seems to me that you are doing your damndest to undermine confidence in –

275 **Hon. P R Caruana:** No, it was to –

Hon. J J Bossano: - the thing and make sure that it does not happen.

But I have to tell the hon. Member that if he wants to say it is reasonable and legitimate to see how we are doing, well, look, you see how I am doing, but I am telling you it is a fortnight since it started.

280 You are asking me to tell you how many employers have said they will sign it and I have told you that we will see how many actually deliver. You can then ask me a month later, how many of those delivered have actually given employment. You can then ask me how many people have been sacked. But if you are saying, at the beginning, it is clear from what has happened so far that it is all going to fail, then certainly the perception that you create with me, Mr Speaker, is that you want it to fail.

285 **Hon. P R Caruana:** No, Mr Speaker, there are two areas of questioning and they are distinct and the hon. Member systematically conflicts them. There are questions that go to the scepticism. In other words, do we think that this is a properly thought out process... policy? What are the loopholes? Will the employers comply with it? Will it have the effect that the hon. Member hopes that it has? All those are questions that go to the scepticism about it and, in that area, he is certainly in a position where he can make us eat our words in a year's time, as he says.

290 Then there is a second category of questions, would he not accept, that, say, never mind the prospects of success of what you are now doing... independently of its prospects of success or of our scepticism, is what you are doing *actually* what you led people to believe before the Election you would be doing? Those are wholly different things which have nothing to do with prospects of success, scepticism, asking for... It is simply holding the hon. Member to account to see the extent to which the policies that he is deploying and unfolding *actually* deliver what they promised the electorate, or what the electorate understood by their words to be promised, and that is a wholly different area of questioning.

295 Would he accept that that distinction exists and that one question does not necessarily ask for both things?

300 **Hon. J J Bossano:** No, because presumably, Mr Speaker, if in a year's time we have reduced by half the unemployment, the hon. Member will say, 'Well, yes, but you still have not done what you said in the manifesto.'

305 **Hon. P R Caruana:** Yes, I could do that. Yes, that –

Hon. J J Bossano: Yes, so –

Hon. P R Caruana: I beg your pardon.

310 There are people out there, Mr Speaker, who may have voted for him, believing that they were promising unemployed Gibraltarians... well, Gibraltar belongs – I do not think they ever used the word 'Gibraltarian' – residents of Gibraltar employed in Government-owned companies. The fact that he may do things that are positive in bringing down unemployment is laudable, but it does *not* amount to a delivery on the promise that people *thought*, rightly or wrongly, that they were making and on which basis they may have been persuaded to vote for them. They are wholly different issues.

315 **Hon. J J Bossano:** They may be wholly different issues, but that is entirely in the field of imagination and speculation unless we hold an opinion poll and say, 'How many of the people who voted, voted because they thought everybody was going to be put in the public sector?'

320 I do not believe everybody who voted for us voted because they thought we were going to put everybody in the public sector. What they thought was that the thing that I have been saying for 15 years, when the hon. Member used to tell me that he was rejoicing that the inflow of frontier workers was going to be stopped, and it has been stopped, and because it has been stopped there is now less competition and more opportunities. Because we are involved in providing more funding than ever before and organising the training on a level that has never been organised before, because it is not just a question of *parking* somebody somewhere for

325 400 quid a month, we believe this is an *improvement* on what there was there and that it will deliver the

330 results and, consequently, when the results are delivered, they can spend the next three years after that saying, 'It is not what you promised.' But I can promise him that all the people who will be working and getting decent jobs, instead of being on the dole, will not be worried about whether the perception was the right perception or the wrong perception. They will be glad to be working.

335 **Hon. P R Caruana:** So do I correctly understand his answer to me that anyone out there listening, or reading us in print, who thought that the Members opposite at Election time were offering them a guarantee of employment in a Government company misunderstood what was being said to them and that, in fact, they were not told anything of the sort?

Hon. J J Bossano: What they were told was that they would be employed in a Government company to be trained and be given a job at the end –

340 **Hon. P R Caruana:** By whom?

345 **Hon. J J Bossano:** By the employer, whoever the employer was, or did the hon. Member think that I was saying we are going to employ 20,000 Gibraltarians in the Government because, if I had been saying that, then the figure would not have been the £11 million, it would have been £21 million? The £11 million was the figure that they came up with because they knew that there were 1,100 out of work, otherwise it would not have been £11 million, it would have been £4½ million, if that was really 450...

Hon. P R Caruana: Yes, unemployed in Gibraltar. It was 1,000 you were saying –

350 **Hon. J J Bossano:** Yes, 1,000 unemployed, so it is not 2%.

Hon. P R Caruana: No-one is suggesting that –

355 **Hon. J J Bossano:** Mr Speaker, the hon. Member has, in fact, consistently in the House, in Budget, in the media, in Government pamphlets and in the Election campaign, talked about 2% unemployment. A totally fictitious figure because it is 2% unemployment by including all the frontier workers in the workforce and, of course, the more frontier workers that are put in, the lower the percentage. But the frontier workers disappear when they become unemployed, so they never become unemployed.

360 The size of the workforce against which the percentage is calculated means that, if he decides to do the terminal, the tunnel, the generating station and 20 other projects and we import half of Andalucía, then we go from 2% to 0.2%, but there are still the same number of Gibraltarians out of work and residents out of work. So when we were addressing the issue of the unemployment, we were addressing on the basis that we would ensure the priority of employment? Certainly, for a start, in the Government. Certainly, in Government agencies, the priority of employment will be for residents.

365 All this business of bringing people in from outside while our people cannot compete with them and are on the dole is finished... and then ensuring that no employer in Gibraltar would have a way out by saying, 'Well, look, the problem is that the people who come out of the training centre are no good at construction work', or 'the people that come out of the universities have no experience.' Well, look, if nobody ever gives them an opportunity to be in a work environment, to pay them and to place them somewhere, the experience will never come.

370 You have a situation where the previous Government, Mr Speaker, has been recruiting people for the Care Agency and when the vacancies have come to me in the employment... the first time I saw them it said you either had to have five GCEs with one O level if you are a local, or a piece of paper that says you worked in an elderly people's home. Well, look, you can never have a piece of paper that says that, unless you work in the one elderly people's home that there is in Gibraltar, but in Andalucía there are 200, and if I did not work in any of the 200, it does not take too many euros to get that piece of paper.

375 So what do our people do? The answer is now we say 'no, no'. The Care Agency will have somebody placed with them whom we will train and then they have no excuse. I believe the strategy may not be perfect, it may need things that come up that are not working well which will need to be put right, but I can tell the hon. Member that my commitment to make this work is total and I normally do not give up that easily, as
380 Members may have noticed. (*Laughter*)

Hon. D A Feetham: Yes, so we have established, then, that ‘a guaranteed full-time job on completion’ – which are the words used in the manifesto – is a guaranteed full-time job in a private company in the private sector.

385 Will the hon. Gentleman commit... or will he answer this: what happens if any of these people are not taken on by that company? Are they kept in perpetual training until another company comes along? What happens if a company does not employ that individual?

Hon. J J Bossano: Mr Speaker, the scheme has been going for two weeks. The hon. Member is asking me, *deliberately*, questions that they have already asked.

390 In the previous questions, before lunch, I was asked what happens if the employer sends the guy back, and I said we take him back in the company and we place him somewhere else and we train him, and we keep on training him because the training is *for the job*. The training is not made before and then you hope somebody will find a job for the person with the skills that *you* have decided to provide. The skills will be the skills for which there is a demand in the market, and therefore the training will be provided so that those skills, in the public or in the private, will be there, so that there is *no excuse* for those who want to discriminate against our own people to continue to do so, and those that genuinely would like to employ our people but say our people are not sufficiently prepared will be given all the help they need by the Government to make sure that we overcome that obstacle.

395
400 The purpose of the exercise is to *succeed*. The hon. Member keeps asking me questions: what will you do if it fails? Well, I do not intend that it should fail.

Hon. D A Feetham: No, I am not suggesting... The hon. Gentleman keeps on going on that I have a desire to see the scheme fail. Absolutely not, but I am entitled to ask questions eliciting information from the Government as to whether the scheme has been properly thought out or not. That is the reality of the situation.

405 The hon. Gentleman may not like it when he is questioned. I know that he has never liked it particularly when anybody questions his authority, let alone any questions here in the House, but I am sorry, he is going to have to get used to the fact that, over the next four years, I am going to be asking plenty of questions in relation to this.

410 So can the hon. Gentleman confirm that the Government have actually thought this through in terms of what happens if somebody is not taken on by a company?

Hon. J J Bossano: Mr Speaker, it is not the Government’s obligation to tell the hon. Member what we have thought through or not thought through, because we are not here to answer to him for what we are going to be doing tomorrow or the day after, or in a month’s time, all of which is hypothetical.

415 He is putting up a series of problems that may or may not occur, and asking me how will I solve them if they do. Well, *if* they do – and I do not think they will, but if they do – I will solve them, and therefore the problems will not arise. I am not prepared to answer his hypothetical questions about future problems that may be encountered by something that has been in existence for a fortnight and where, as yet, not one single person is in beyond the original 30 days. I do not think that is something that he has got a right to ask. He can ask it, but he is not going to get the questions answered in the way *he* wants them answered. He will get the answers that *I* want to give him. Just like I cannot stop him phrasing a question the way he wants, he is not going to tell me how I am going to phrase the answers.

425 **Mr Speaker:** I think the Member must accept that this is (*Interjection*) about as far as we are going to get with this line of question.

Hon. D A Feetham: No, absolutely. I am not going to get any further with this. The hon. Gentleman has not answered the question and that is...

430 **Mr Speaker:** He did answer it.

Hon. D A Feetham: What can I do?

435 Will the hon. Gentleman, at the very least, consider this as a constructive suggestion from, certainly, this side of the House (*Laughter*). Will he go back and look at that contract and consider, in fact, adding some particular clause to the contract that at least compels the employer to actually retain the employee for a period

of time before the repayment clause actually kicks in, because at the moment it is my interpretation, in relation to that contract that, if the employer were to sack the employee a week afterwards, they would not have to repay anything to the Government, and that seems to me to just be a circumventing of the intention of the scheme, as the hon. Gentleman has explained to this House.

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Hon. J J Bossano: Assuming that he is making a constructive suggestion – which requires an exercise of belief on my part which is difficult to deliver... Assuming that he is doing that, I will consider it but, of course, I have to remind him that he thought initially that this was too onerous already. So if he is suggesting that I should toughen up the conditions, I will look at it.

445

**GDC employees appointed to Civil Service
Outside ring-fencing arrangements**

450

Clerk: Question 142, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any GDC employees or former GDC employees who were appointed to the Civil Service have been appointed to posts where the function or activity was undertaken by a Civil Service employee prior to the appointment of GDC employees to the Civil Service, and therefore outside the ring-fencing arrangements applicable to former GDC employees prior to 8th December 2011?

455

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

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The Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

465

**Registered unemployed on 31st January 2012
Breakdown by number of months**

Clerk: Question 143, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many people were registered unemployed on 31st January 2012 between (a) 0-3 months; (b) 3-6 months (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

470

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

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The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of people who were registered unemployed on 31st January 2012 who had been registered between nought and three months was 458.

Of the 458, 189 had been out of work for over three months and, therefore, in respect of all the numbers that I am giving him, the time register is, in fact, less than the time out of work because people do not register immediately they become unemployed. Three to six months registered is 123; 6-12 months is 57; 12-24 months is 32; and over 24 months is 35.

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Hon. D A Feetham: So, effectively, there are 35 people who have been registered unemployed for over two years – correct?

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Hon. J J Bossano: It is correct that they are registered for over two years and they may have been unemployed even longer than over two years.

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Hon. D A Feetham: Does he not accept that, in relation to these people who are unemployed for longer

495 than two years... in fact, others that may be long-term unemployed for longer, for example, than a year... that, in relation to those, the Government obviously faces particular challenges in terms of getting them back into employment and that, in relation to, for example, the Future Job Strategy and the getting of employers to guarantee places of employment for those individuals... that there are particular challenges in relation to those, and can the hon. Gentleman explain to this House how he is thinking in terms of trying to meet those challenges?

500 **Hon. J J Bossano:** I do not accept that there are a group of people called ‘unemployables’, which is something that other people have previously thought of.

Hon. D A Feetham: I have not used that term.

505 **Hon. J J Bossano:** I know you have not used the term, but I am just making clear that I do not use it either.

Hon. P R Caruana: Yes, I use that term.

Hon. J J Bossano: You do.

510 **Hon. P R Caruana:** And I will continue to do so.

Hon. J J Bossano: And you will continue to do so, yes. There you are, you see: division on the Opposition back benches!

515 I think it is true that employers will be more reluctant to take on people the longer they have been out of work. That is a fact of life. Nevertheless, the position is that, clearly, it will be that it will be easier to deal with those who have been most recently employed – we hope, and that is the usual... Some people, frankly, get re-employed within three months with no help from the Employment Service. They just lose their job and they find another job and they do it on their own, and by the time that we learn of the termination of the vacancy in the ETB, it has already been filled because somebody else has moved from one job to the other. 520 There is that level of movement which, in fact, *exceeds* the movement that has been going through the ETB itself. But as we reduce the numbers that are more easily placed, we will be able to concentrate more resources on those that are the more difficult cases.

525 I would imagine that, since there are something like 250 on Social Assistance who have to register as unemployed, many of those who have been in long-term unemployment, for over a year or 18 months, in the category of Social Assistance, some of them may not be in a position, for a variety of physical or other reasons, to take on heavy work or to work in the construction industry, but we will... The smaller the problem gets, the more time, attention and resources we will be able to devote to solving it. That will be the strategy.

530 **Hon. D A Feetham:** Yes, I note that, in fact, some of his storm troopers are misrepresenting the statements that I have made in various letters to the *Chronicle*, and I do not... So I am going to be careful with the language that I use, lest the hon. Gentleman gets them to continue misrepresenting my position.

535 But does he not agree that, within that group of long-term unemployed, there are various reasons for those people being unemployed? Some of them, for example, may be unemployed because they have come out of prison, and I saw a lot of those people when I was Minister for Justice. Others, for example, may be, as the hon. Gentleman has outlined in his previous answer, people who are in receipt of Social Assistance. The way that certainly *we* would have dealt with... One of the ways we were going to be dealing with these people was... One was introducing, for example, rehabilitation, which we did in the Crimes Bill – rehabilitation of offenders legislation, preventing employers from referring and asking about the criminal convictions of particular individuals – and in relation to, for example, people who are long-term on the Social Assistance list, 540 asking those people to enter into a Jobseeker’s Agreement, whereby they are actually paid more but there is an undertaking from that person that they are seeking employment.

545 I outline that because my question is this: what *specific* measures is the hon. Gentleman proposing to take, other than ‘Well, we’ll have to concentrate on these people’? What specific measures does he have in mind in order to deal with these people?

550 **Hon. J J Bossano:** ‘These people’, as he puts it, are just ordinary Gibraltarians, the same as *us people*, and therefore they will be dealt with the same as we are dealing with everybody else. They will have the same opportunity. It is just that more time, money and attention will be paid to them. But if the hon. Member says that he has had all these policies in the past, before 8th October – and we are talking about people who have been out for six months, nine months, a year, a year and a half, and two years – then it must be obvious that they were all there on 8th December and that all the Jobseeker’s Allowances and all the rehabilitation that he was doing was not working; otherwise, they would not be there.

555 **Hon. J J Netto:** Mr Speaker, if I may, I quite distinctly remember, in our first term of office, in the GSD, when I was Employment Minister, that one of the particular issues that we did in order to provide as much support as possible to long-term unemployed – meaning more than 12 months – was to look specifically where those particular individuals were not actually succeeding in order to get employment. What we did find out was some of them – not all of them – had numeracy problems, literacy problems, lack of confidence in interviews. So this is the reason why we created the Job Club: in order to have counsellors specifically providing them with those particular skills to be able to offer themselves better to an employer at an interview, on the one hand; and, on the other hand, I remember and recall that we used to give allowances – not allowances, bonuses – to employers for a particular period of time in order to maximise the uptake of long-term unemployed.

560
565 I know it is a difficult thing to get long-term unemployed persons back into work, but I think that the question that my colleague is asking is a reasonable one. I think what we are trying to get at is that, presumably, those facilities are still there but, in the context of the audit of skills that the hon. Gentleman has alluded to in the past, will take into account what more extra resources, support may be given to those long-term unemployed. So can the Hon. Minister, actually, in the context of the skills audit he has mentioned, see whether there is the possibility to grow that particular service within the Employment Service?

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575 **Hon. J J Bossano:** Well, nothing has been terminated that was there already. Whatever help was being given and whatever incentives were being given, frankly I am not... I do not really know what they are. But, presumably, they are still there because nobody has said that they should stop. What I am saying is, in fact, that in the new approach that we are adopting, the fact that you have been a long time out of work, or the fact that you may have a particular problem, is not something that excludes you from the system that we have got in place but, in fact, as the numbers that we are dealing with start declining, more time and attention will be devoted to the more intractable and difficult cases.

580 What you cannot do, in my judgement, is to say to somebody who became unemployed three months ago, ‘You are not a priority because somebody was there two years ago and we will do the other one first,’ when we know that it is going to be easier to place the one who has just come out of work. Therefore, the resources that will come back to us will come back to us quicker because the other person will be given a job in the placement sooner and we might have to support somebody with long-term unemployment for longer before they are given the opportunity of staying there permanently.

585 But there are people already who have had these kind of problems and, in the past, have been placed and they have actually managed to adjust and are now in a normal working environment. There is no reason why that should not happen in the future.

590 **Hon. D A Feetham:** I hope I am not being unkind to the hon. Gentleman, but it appears to me –

Hon. J J Bossano: Heaven forbid!

Hon. D A Feetham: I want you to answer the question.

595 Of course, we accept that the fact you are a long-term unemployed does not exclude you from your entitlement for somebody to help you and to try and find a job for you, or for you to find a job. Of course. What we have asked is what measures have the Government actually taken in order to deal with these particular individuals, particularly also in the light of the Future Job Strategy, where the Government is guaranteeing anybody a job in the private sector. That is the question that we have asked, and that is the one that the hon. Gentleman appears to be refusing to answer.

600 Perhaps he can answer this: will the hon. Gentleman at least press the Minister for Justice, for example, as quickly as possible to introduce or to commence the rehabilitation of offenders parts of the Crimes Bill?

Hon. G H Licudi: Mr Speaker, a notice in relation to the rehabilitation of offenders will be published tomorrow.

605 **Hon. D A Feetham:** Well, thank you – the first straight answer we have received today!

Hon. J J Bossano: I am not going to press the Minister for Justice, in answer to his question. (*Laughter*)

610 **Hon. P R Caruana:** Mr Speaker, does the hon. Member accept that... I would accept that there are... I agree with one of the last things that he said, namely that there are many people who can be helped back into the work ethic and a job environment and that those people are worthy recipients of additional help, additional funding etc. Indeed, that was our experience with the Gibraltar Community Projects Company – that some of the people who were there, supposedly because they could not get into the work ethic etc, actually, over the years, working in an increasingly normal working environment, *did* progress to the ability to join what we might call the mainstream labour force.

615 But when all those people have been helped, there will always be a residual group of people who are the ones that I call the ‘unemployables’ who, for one reason or another will not submit, will not succumb to the assistance that policies such as he has outlined are designed to help them. They will always be a problem. There will always be a core of people who will never be attractive to an employer, even as a trustee – not a trustee, either as a trainee – or as a permanent employee, and these are not the people that the hon. Member’s policy is designed to shoehorn into permanent public sector employment, through this company, presumably.

620 So the question is: does he acknowledge that there would always be, in any society, a group of people who, for one reason or another, will not, cannot, be helped into finding employment, and what does he have in mind for those? Presumably to continue to deal with them as they have been dealt with in the past – supported by social... but not shoehorned into the public sector through a Government company, presumably.

625 **Hon. J J Bossano:** At the moment, there is nothing specifically designed for the group that he has defined, but if we look at the figures here... If we assume that the intractable are those that are registered as seeking employment over one year, we are talking about 67 people. If we can bring the level of unemployment down to 67, we will be doing well.

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**Registered unemployed since 11th December 2011
Number of job vacancies filled**

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Clerk: Question 144, the Hon. D A Feetham.

640 **Hon. D A Feetham:** Can the Minister for Employment state how many job vacancies have been filled since 11th December 2011, and how many of those vacancies have been filled by people who were registered as unemployed between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

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

645 **The Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the number of job vacancies that have been filled since 11th December 2011 is 959. Of those vacancies, the number filled by people who were registered as unemployed between 0-3 months is 62; 3-6 months is 16; 6-12 months, 3; 12-24 months, 1; and over 24 months, 1.

650 This, in fact, demonstrates the point that I made earlier, that something like 90% or more of the jobs that have been filled have not been filled from the people who were registered as unemployed.

655 **Hon. D A Feetham:** Does it not illustrate the point that I was trying to make, which is that, of course, the people who are on the long-term unemployment list clearly need additional measures targeted at them; and my question about what measures were the Government intending to take in order to help those individuals – has it not established that as well?

Hon. J J Bossano: Mr Speaker, what we have established is, for example, that of the 36 that there were unemployed over two years, one was employed and there are now 35, and that of the 60 that were unemployed between six and 12 months, three became employed and 57 still remain. So, in fact, the ratio under one year and the ratio above two years is no different.

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I think what needs to be addressed is the fact that, in the period since the 11th, we are talking about 959 people getting work, and out of those only 83 were people who were registered in the Employment Service looking for work. That is the first issue that needs to be tackled because, independent of whether you have been out of work for three months or out of work for two years, if the jobs that arrive in the Employment Service are jobs that have already been given to somebody, then there is no chance of finding you a job.

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The Employment Service, in fact, is taking a tough line with both public and private sector employers that the requirement that there is – that the vacancies have got to be open before they are filled – is there for a reason, and the lack of confidence that there is amongst unemployed people in the work that the Employment Service does is due to the fact that, when they get there, there are always cards with jobs, and when they go to the places where the jobs are supposed to exist, in 90% of the cases the jobs do not exist at all – they have already been filled.

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Employers have had this practice, which now is almost cured but not entirely cured, that, for example, in January, what they used to call, apparently, the passing-through rate, was something like 80%, which meant that out of every 10 jobs, eight did not exist because a person had already been interviewed, a person had already been given a job and then the employer was sending the contract and the vacancy.

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Clearly, if we are concerned about the guy with two years, then we have to have work sufficient available to us to be able to find him work, and at the moment that is a first priority, that the relationship that I have given him today of only 83 jobs out of 959 being filled from the unemployed will be a relationship that we will see changing. Unless and until we make inroads in the statistics, we will not really be able to help the long-term unemployed, whatever we do.

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Housing Works Agency No requirement for CEO

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Clerk: Question 145, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether it was *his* decision to sack John Cabezutto as CEO of Housing?

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

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, Mr Cabezutto has not been 'sacked' from the post of CEO. The post was abolished by the board of the Agency after it was established that there was no requirement for it. Mr Cabezutto, therefore, automatically reverted to his previous employment as Deputy Manager of the Construction Training Centre in the Ministry of Employment and is still employed there.

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Hon. P R Caruana: Well, Mr Speaker, since the board of the Agency decided to place that post in the hands of Mr Cabezutto and then a subsequent board of the Agency decided to abolish the post, and the only difference between the first and the second board is the fact that one was chaired by a Minister in the GSD Government and the other was chaired by a Minister in the new Government, is it reasonable to surmise that the decision to abolish the post reflects the views of the political member of the board and not the others?

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Hon. J J Bossano: If we accept that the appointment of Mr Cabezutto reflected the political opinion of the hon. Member opposite, who was the one who had been calling at his office every morning... When we took over –

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Hon. P R Caruana: That was a sin, was it?

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715 **Hon. J J Bossano:** No, but Mr Speaker, Mr Cabezutto used to report to the Chief Minister at the time every morning, and after 8th December he still kept turning up there, like a ghost in the convent, wandering through the corridor, looking for my colleague's predecessor, who was not there any more to give him instructions. Therefore, when we finally pinned him down and asked him what he was doing there, he said, 'Well, this is what I used to do before.'

720 When the board was convened the first time it was convened on 14th October under the chairmanship of Mr Vinet, and it took the decision to create the post of CEO and to give the job to Mr Cabezutto – which had not been advertised or trawled for qualifications required, or probation period provided, or any conditions attached to the performance of the post – to increase his pay from £30,000-odd to £65,000, and therefore to put him in charge of the Agency.

725 After the new Government was elected, the newly constituted board was asked to examine the necessity for this £65,000 job and they concluded that, really, there was no need to be spending that amount of public money and that, given the work that is being done, the number of supervisory grades that there are as a result of the early-exit package and the very reduced workforce that there is now, there was no need for two jobs at the top of the Agency. Therefore, the more expensive of the two was eliminated as the logical and rational commercial decision to take. Mr Cabezutto, therefore, was told that the post was no longer going to exist and would not have continued to exist, irrespective of who the incumbent had been, and therefore that he should now go back to where he came from and do the job that he was doing previously.

730 Therefore, he was not sacked from the Government service, he was simply reverted to his previous position before the job was given to him on 20th October.

735 **Hon. P R Caruana:** Mr Speaker, that is a very roundabout way – if somebody is employed as the Chief Executive Officer of an organisation and shortly after the General Election he is summoned by the Minister for Housing and told that his services are no longer required, would he go back to his previous job in another organisation that, by any other name, is to be dismissed from your post. Is the hon. Member saying, in fact, that what they think they have done is abolish the post of CEO?

740 **Hon. J J Bossano:** No, it is not what we think we have done, the post of CEO *has* been abolished by the board that created the post on 14th October and I have to tell the hon. Member that the fact that on the eve of the Election directors and CEOs were appearing all over the place does not mean that we are stuck with them for the rest of the four years.

745 We have a right, Mr Speaker, to look as we come in and decide whether the job that is being done is a job that we continue to want to be done at public expense, or we do not. Mr Cabezutto was told that he would go back to the job that he had before and he could continue working there and, therefore, he has not been sacked. Sacking somebody is putting him on the dole and telling him to go to the ETB and sign on.

750 **Hon. P R Caruana:** Mr Speaker, that is a rather simplistic view of the law of employment related to constructive dismissal, but anyway, Mr Speaker, doesn't the hon. Member understand that the 'board', as he calls it, is not at liberty to abolish the post of CEO? The Housing Works Agency is a creature of statute. It was created by the Housing Works Agency Act passed in this Parliament. That Act *requires* that there should be a post of CEO, it is mandatory, it is established so by Act of Parliament. The board, that is itself, a creature of that same Act, is simply *not at liberty* to decide to abolish a post which a statute has created and says is mandatory.

755 Therefore, Mr Speaker, I think the hon. Member can expect some of the litigation that they thought they would avoid on this particular change of Government by their own admission, they have purported to abolish a post which they *cannot in law* abolish and therefore what they have done is not abolish the post, what they have done is sack the incumbent of that post, because the post itself cannot in law be abolished by them, unless they bring legislation to this House to amend the Housing Works Agency Act.

760 **Hon. C A Bruzon:** Mr Speaker, just for the sake of clarification, may I remind the House that the word used was not 'abolished', it was discontinued.

Hon. P R Caruana: It was not. It was 'abolished' and it is in *Hansard*.

765 **Hon. C A Bruzon:** It was discontinued. I was Chairman of the board and that is the word that I used and

that is the word that was used: ‘discontinued’ not ‘abolished’. For the sake of accuracy.

770 **Hon. P R Caruana:** I did not think that I would live to see the day when I would see the Hon. Mr Bruzon to rise in this House to protect the back of the Hon. Mr Bossano but, still, I have given the Hon. Minister for Employment two opportunities to confirm whether or not he has abolished the post and he has taken great relish in confirming – and it is there in *Hansard* that what they have done is abolish the post, because the board considered that it was no longer required.

775 I am telling him now that that decision is unlawful and *ultra vires* the board, who have no power to abolish the post, because it is a post created by law and not a post created by the board.

Hon. J J Bossano: Mr Speaker, if it is *ultra vires* and they do not have the power to do it, then clearly the post has not been abolished, according to his understanding of the law.

780 Therefore, the decision of the board has been to inform the occupant that the post was no longer required and even if it remains there empty, it is not going to be filled. If the hon. Member says that the board does not have the right to keep the post empty, then it did not have the right to fill it on 20th October and the way that it filled it was, effectively, that they did what they were told by him and they put the person that they were told by him to do. That is clearly known to everybody there, from the guy that is working in the yard to the guy that has got the no. 2 job in the organisation. That is why this supposed CEO, when ??? to receive his marching orders from the Leader of the Opposition when he was in Government. That methodology of running the Agency has been changed, following the Election, and therefore the position is that if Mr Cabezutto believes that the board is not entitled to tell him we do not want to continue employing you as CEO and you can now go back, then, of course, if he feels that he has got a case, he can pursue the case, as he is entitled to do, as a resident, in fact, the first thing he did, when he was told, I understand, was to say to everybody that he was going to take legal advice and probably he went to the Member opposite for the legal advice.

785 **Hon. P R Caruana:** Does the hon. Member not accept that this is not about the changing methodologies of the management of the board? The hon. Members opposite are perfectly entitled, if they want to, to procure that the board of the Agency should dispense with the services of Mr Cabezutto, or any other employee, despite the promise not to cut any heads in the Election.

790 Does he not understand that is what it would be, because this *guise*, this sort of dressing they have put on it, of an abolition of post is not open to them because they cannot abolish the post? Because they cannot in law abolish the post, the only way of dispensing with Mr Cabezutto, is to do what, in fact, they have done to him, is to *sack him*, because his employer, which was the Agency, has dispensed with his services, *other than* by means of abolishing the post because it cannot in law have abolished the post?

800 This is not about dispensing with his services. Look, the board can employ somebody and then sack them, as long as they understand that ‘sack them’ is what they have done and that has legal consequences. The behaviour of the hon. Members opposite now is not comparable to the previous Government’s. An Act was passed in this House which required the Agency to appoint a Chief Executive Officer and that power is vested in the board. The board met and duly appointed a Chief Executive Officer. That Chief Executive Officer was confirmed in his post in writing; the terms of his appointment were confirmed in writing.

805 Along come the hon. Members opposite, immediately after the General Election, and say to him that he is not acceptable. Mr Speaker, does the hon. Member accept – if he wants a question – given that the Agency requires by law to have a Chief Executive Officer, their objective of dispensing with the office of Chief Executive, because they think it is not necessary, cannot be achieved effectively or lawfully, until they have changed that Act of Parliament so that the law no longer requires the Agency to have a Chief Executive Officer? Does he accept that?

810 **Hon. Chief Minister:** Mr Speaker, I want to say two things.

815 The first is that nobody’s head has been cut off since this Government came and was sworn in on 9th December. Nobody’s head will be cut off, quite unlike the position in 1996 when the hon. Gentleman was sworn in as Chief Minister, when a number of heads *were* cut off and a number of cases were brought against his Government successfully by those whose heads were improperly cut off, to use the figurative term.

820 **Hon. P R Caruana:** Whose were cut off?

Hon. Chief Minister: Secondly, Mr Speaker, given that the hon. Gentleman has more or less indicated that legal proceedings will be commencing as a result of the matters which we are discussing, I do not believe it is appropriate for Government to continue to discuss these issues. We will await the service of legal proceedings and we will defend those legal proceedings, based on whatever advice we receive.

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Hon. P R Caruana: Whilst he awaits those legal proceedings – and whilst I accept it is not appropriate to discuss legal proceedings that are afoot, not that these are, does the hon. Member agree that, if there is an Act of Parliament that requires the Agency to have a CEO, having dispensed with the incumbent CEO, they must, in order to comply with the law, now appoint a new one, because the Agency... the Act requires there to be a CEO?

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Hon. Chief Minister: Mr Speaker, I am neither going to accept nor not accept any issue that the hon. Gentleman raises in respect of *this* matter, given that he has already said and more or less given notice that this is going to be the subject of litigation. It would not be prudent for the Government to put arguments *here* in respect of those issues, which we are being told may be the subject of legal proceedings. (*Interjections*)

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Mr Speaker: The Hon. the Minister for Health wishes to say something.

Hon. Dr J E Cortes: Mr Speaker, I think as a point of information, since we are speaking on posts not filled, I think I would like to bring to the notice of the House, that the Gibraltar Health Authority Act requires three posts which have not been filled, probably for over a decade, and there was no Act of Parliament changing that requirement. (*Applause*)

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Mr Speaker: Hon. Daniel Feetham.

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Hon. D A Feetham: Can the... I do not think the hon. Gentleman answered my question. Was it his decision to sack Mr Cabezutto or was it a cabinet decision? Was it a collective beheading of Mr Cabezutto, or did he wield the axe himself?

850

Hon. Chief Minister: Mr Speaker, there have been no beheadings of *anyone*, despite the fact that if the hon. Gentleman cared to look at what happened in 1996, he would have understood that the Government that beheaded people simply because they believed that they did not share their political opinions is the Government represented by the party with which he sits.

855

Hon. P R Caruana: Who was beheaded in 1996?

Hon. Chief Minister: We are standing on the answers I have given already. We will not give any further answers in respect of these issues. There will not be any further answers provided, given that the hon. Gentleman has said that legal proceedings are to be expected in respect of this matter, so any matters can be ventilated in the appropriate forum, which will be such tribunal as whoever it is that is going to sue whoever it is that they are going to sue decides to sue it.

860

Hon. P R Caruana: If the Hon. the Chief Minister is so laudably... first of all I do not accept that the GSD Government beheaded anybody, but never mind, I am not here to answer his questions.

865

Mr Speaker, if the Hon. the Chief Minister is laudably committed to a policy of not beheading anybody and respecting everybody's rights, regardless of what their political colours might be, will he be instructing the Hon. the Minister for Employment to respect the right of the ex-GSD Minister, Luis Montiel to return (**Members:** Hear, hear.) to his previous post, as his terms of parliamentary appointment entitle him to, to return to his previous post in the Employment Service under the ministerialship of the Hon. the Minister for Employment? Will he be *ensuring* that that takes place?

870

Mr Speaker: I am not sure that is a proper question, with respect. We are talking specifically about Mr Cabezutto.

875

Hon. P R Caruana: No, we are talking about cutting off heads.

Mr Speaker: No, we are talking about Mr Cabezutto and now I do not think it is open for the hon. Member to start bringing other individuals into this line of questioning.

880 **Hon. P R Caruana:** The Chief Minister seems perfectly content to answer the question.

Hon. Chief Minister: I am perfectly content to stick to your ruling, Mr Speaker.

885 **Government agency, authority or company
Vacancies since 8th December 2011 filled without being advertised**

Clerk: Question 146, the Hon. D A Feetham.

890 **Hon. D A Feetham:** Can the Minister for Employment state whether there have been any job vacancies since 8th December 2011, in any Government agency, authority, or company, filled by any individual without any vacancy having been advertised, and, if so, will the Minister please provide details?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, all vacancies in any Government agency, authority or company must be notified to and filled through the Employment Service.

900 **Hon. D A Feetham:** I take it the answer is no?

905 **Hon. J J Bossano:** The vacancies are... just like the private sector, the public sector is required to open vacancies in the Employment Service 14 days before they are filled. As far as I am aware, there have not been any filled in that period, but that is how it would be done, not by advertising.

Hon. D A Feetham: I see, so the answer is there have not been any job vacancies that have arisen, hence they have not been advertised? Is that the position?

910 **Hon. J J Bossano:** Yes.

HEALTH AND THE ENVIRONMENT

915 **Green tax measures
Government commitment and programme**

Clerk: Question 147, the Hon. S M Figueras.

920 **Hon. S M Figueras:** Can the Minister with responsibility for the Environment confirm whether the Government is committed to green tax measures and, if so, is the Minister able to provide a list of those measures currently identified by Government for implementation in addition to those already in existence?

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Government remains committed to the creation of a more environmentally friendly economy for Gibraltar.

930 This may include the introduction of a comprehensive green public procurement policy which will help to expand the market for low carbon, environmentally friendly products and services. We are also actively investigating ways of encouraging and promoting energy efficiency within buildings and transport. However,

we have not yet finalised any measures and, consequently, I am unable to provide a definitive list.

Green tax measures will form part of a more comprehensive package of measures designed to achieve this. Any announcement of any 'tax measure' will, of course, be made in the debate on the Appropriation Bill.

935

Hon. S M Figueras: Mr Speaker, is the Minister able to give us an indication of the kind of tax measures the Government is considering for implementation at this stage?

940

Hon. Dr. J E Cortes: Not yet, it is a work in progress. We are working on all these areas, but I am not able to say so yet.

**Smoking ban in public places
Anticipated cost to taxpayer from tax and rate advantages**

945

Clerk: Question 148, the Hon. S M Figueras.

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Hon. S M Figueras: Can the Minister for the Environment confirm whether the Government is committed, in line with the commitment to ban smoking in public places, to provide 'generous tax and rates advantages to amortise any potential loss' arising from the imposition of the ban and, if so, the anticipated cost to the taxpayer of this initiative?

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

955

Minister for Health and the Environment (Hon. Dr. J E Cortes): Again, the Government is considering how it is going to assist businesses in mitigating possible loss as a consequence of a ban on smoking.

960

A number of different options, ranging from rate reductions, tax breaks and reductions in utility charges are being considered and this includes consideration of calculations of the cost to the taxpayers of each of the options. These calculations are not yet available, given the policy considerations still taking place in order to design a process which is both generous and fair.

965

Hon. S M Figueras: Mr Speaker, as a commitment which will no doubt have found favour with many business owners faced with the prospect of a ban in every manifesto at the last General Election, I think it is probably legitimate to ask the Government whether it has a specific timescale in mind for the delivery of – and this is the subject of a question at a later stage – these measures?

970

Hon. Dr. J E Cortes: The question by the hon. Lady on the health aspects of the smoking ban, I think, will answer part of your question. If not, I would be happy to expand further if it does not answer that aspect.

Hon. S M Figueras: I am grateful. I had only asked for clarification of whether the commitment is for the measures to be delivered in conjunction with the ban when it happens.

975

Hon. Dr. J E Cortes: That is the intention.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain how the potential loss of business from losing clientele who smoke will be calculated? Will there be a formula?

980

Hon. Dr. J E Cortes: This is something in process at the moment. We have not yet decided what measures we are going to take, or what the formula would be. It is something that is being discussed at the moment and will form part of the programme on smoking that we will be undertaking and of which I will give a few more details in response to your question shortly.

985

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain if restaurants, bars and social clubs that have already gone smoke free will be able to benefit from these tax and rates advantages once they

are announced?

990 **Hon. Dr. J E Cortes:** This is an aspect we have not considered specifically, but obviously the package would have to apply to everybody who undertakes the ban, which will be a requirement of the law.
We are not going to single out those who have already done it and prejudice them against anybody else.

995 **Sewage treatment plant
Progress of plans**

Clerk: Question 149, the hon. S M Figueras.

1000 **Hon. S M Figueras:** Will the Minister with responsibility for the Environment confirm whether the Government is committed, within this term of office, to deliver a sewage treatment plant, as per their manifesto commitment? If so, by when and can he provide details of progress in its delivery, if any?

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

1005 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** It is, indeed, the Government's intention to proceed with the construction of a new sewage treatment plant to comply with Gibraltar's obligations under the Urban Wastewater Treatment Directive, and to do so as soon as we are able to, although I cannot presently give a date for the commencement of this project.

1010 The available reports and assessments are currently being considered by the Government and we are also looking into the possible procurement strategies, at the end of which process we should have a more definite timescale for the delivery of the project.

1015 **Hon. S M Figueras:** Mr Speaker, to hold the Minister to account only in respect of the detail of the manifesto commitment, could he clarify that the commitment is to deliver it within this term of office?

Hon. Dr. J E Cortes: Mr Speaker, that is the intention. Whether it is completed or not will depend on the ultimate decision, the procurement process and the time it takes, but the intention is yes.

1020 **Hon. S M Figueras:** Mr Speaker, despite the fact that the manifesto was very clear that it would be within the term of office, now the Minister is unsure whether it can be delivered in that timeframe?

1025 **Hon. Dr. J E Cortes:** I am doing nothing of the sort. What I am saying is that, in Government Office, as you will not have any experience of yourself, you will come across detailed information, which may not be in your possession when you are in Opposition, as you all have experience of at the moment. Therefore we have to take other things into consideration and timescales may be slightly different, but the intention remains the same and I will work very hard to achieve it.

Hon. S M Figueras: Mr Speaker, one final question. Is there an estimated cost for the delivery of this?

1030 **Hon. Dr. J E Cortes:** Not at this point.

Hon. S M Figueras: Thank you.

1035 **Barbary Macaque
Small-scale culling**

1040 **Clerk:** Question 150, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister with responsibility for the Environment confirm whether the Government is committed to small-scale culling for the management of numbers of the Barbary Macaque?

1045 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Government is not going to carry out small-scale culling – bit of a tongue twister, sorry – as a means to managing the numbers of the Barbary Macaques.

1050

Hon. S M Figueras: Thank you very much for the clarification, Mr Speaker.

The question arose out of a certain inconsistency where, in the manifesto, the now Government committed to not resorting to killing the Barbary Macaque but, however, I was made aware of an article in one of the newspapers, where a quote attributed to the Minister, said they would not go for large-scale culling.

1055

I was grateful for the clarification that they will not be going for small-scale culling either.

Hon. Dr. J E Cortes: I am happy to clarify that further. At that press conference I then continued, but what I said later was not reported and I explained that what I was meaning, is that there are sometimes individual monkeys, which perhaps through an accident or some other individual condition, would have to be culled, but not that there would be small-scale culling as a population control measure, more as a direct management measure in relation to health and so on.

1060

I did explain that at the time of the press conference, but that was not picked up by the press.

1065

Commonwealth Park Commitment and estimated cost

1070 **Clerk:** Question 151, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment confirm whether the Government is committed to building the Commonwealth Park, as set out in its manifesto and, if so, can it confirm the estimated cost of this project?

1075

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Government is considering the details of a number of options available for the creation of the Commonwealth Park.

1080

Given that the project will have to go out to tender, it is not appropriate to provide an estimate of cost at this stage; but the hon. Member should rest assured that any costs associated with the development will be announced publicly, once determined, and that the park will be delivered to the people of Gibraltar, as we have committed to.

I will look forward to receiving his congratulations when he is able to stroll along this beautiful green area we will create in the centre of our city. *(Applause)*

1085

Hon. S M Figueras: Mr Speaker, I will indeed – if it is delivered – stroll along it above double the number of car parking spaces currently available in the area which, to me, sounds certainly a little inconsistent with the environmental objectives of this Government.

1090

However, what I would ask is, if any geological surveys have been carried out of the area in advance of going out to tender?

Hon. Dr. J E Cortes: They will have been carried out in advance of going out to tender. We will, obviously, have to consider what the geology of the place is like.

1095

Hon. S M Figueras: I am sorry, just to clarify. I had asked whether any geological surveys have, in fact,

been carried out?

1100 **Hon. Dr. J E Cortes:** There is some information available, but no actual geological survey, to my knowledge, has been carried out yet.

Hon. S M Figueras: And, obviously, the Minister is unable to comment on the cost of the project. However, there is an element of surprise in this, in that when the manifesto at the last Election came out, there was every comfort that you knew what the manifesto was going to cost, does the Minister have an idea of the ballpark that we are talking about in relation to the Commonwealth Park?

1105 **Hon. Dr. J E Cortes:** Mr Speaker, I am not going to be drawn into giving figures when, as I said, we have to go to a tender process, because that is going to pre-empt all sorts of things.

1110 I believe that, in one of the debates before the Election, the Hon. Isobel Ellul-Hammond mentioned that it was known to the Government, because some survey had been taken out at the time. I have not been able to find such a survey, which is why I have to answer that survey, to my knowledge, is not available.

Hon. S M Figueras: Mr Speaker, (*Interjection*) the reference... I know personally of no references that my hon. colleague –

1115 **Hon. Dr J E Cortes:** I apologise for the confusion.

Hon. S M Figueras: I certainly remember that –

1120 **Hon. P R Caruana:** Mr Speaker, if I can clarify for both hon. Members, I think that what was said in the past was two things: that the Government had a costing for a similar project in the Grand Parade and therefore we had an idea what the cost was of these underground car parks. Also, here in Commonwealth Parade, you have the not inconsiderable additional difficulty of the closeness of the city walls and the foundations of the city walls and also the closeness of the water table, which would result in huge costs in pumping during construction and then permanent pumping, once the car park was built and that that rendered the project hugely expensive, which is why we said at the time of the Election that, amongst many other aspects, that project was unaffordable.

1125 Just to say, I do not think there is... at least, if there is, I never saw it in any Government file, any costing of the Commonwealth Parade, that I am aware of.

1130

**Western Beach
Resolution of sewage issue**

1135 **Clerk:** Question 152, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister for the Environment confirm whether, further to last month's confirmation that legal advice was being sought, there has been any progress with the resolution of the Western Beach sewage issue?

1140

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

1145 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr Speaker the Government is considering the advice received before determining what line of action to take in order to resolve the issue of sewage at Western Beach.

Hon. S M Figueras: Mr Speaker, would the Minister kindly confirm how long they expect this consideration process to take?

1150 **Hon. Dr. J E Cortes:** It is obviously a complex issue.

I will probably be considering it for a considerable amount of time, but when a decision is going to be taken – which is probably what you want to know – I would have hoped we are able to do so within a relatively short timescale, but because of the complexity of the issues, I am not able to give you a firm date.

1155 **Hon. S M Figueras:** I am appreciative of the cross-border complexity of the issue. I merely raise the point again at a subsequent meeting of Parliament because, as we know, before long the bathing season is upon us and I am certain that beachgoers will be keen to know that the matter is in hand and as soon as a timescale is available I am certain people will be very grateful to hear it.

1160 **Hon. Dr. J E Cortes:** Yes, no problem.

1165 **GHA Board**
Date and place of first public meeting

Clerk: Question 153, the Hon. Mrs I M Ellul-Hammond.

1170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister state when the first public meeting of the GHA Board will be and where it will be held?

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

1175 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** The date for the first public meeting of the GHA Board will be set once I have completed the review of the options for access by the public. These options are being developed by GHA staff and are based upon a review of the international literature on public meetings of healthcare boards.

1180 It is intended that public meetings will be held at the John Mackintosh Hall. To add to the prepared answer, I suspect it will be some time in April.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if the minutes of these public GHA Board meetings will be made public?

1185 **Hon. Dr. J E Cortes:** Yes, certainly.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if the Medical Advisory Committee, as part of the GHA Board, has been reformed and who are its members?

1190 **Hon. Dr. J E Cortes:** Did you say the Medical Advisory Committee?
The Medical Advisory Committee, which is a statutory requirement, has not been in operation for quite a number of years. It is currently being reconstituted by the medical practitioners and they have a statutory duty to recommend representatives on the Board. That is happening now, but the MAC have not met for quite a number of years.

1195 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, can the Minister advise if, as part of the GHA's fiscal transparency policy, they will be publishing the GHA's monthly finance report submitted by the Director of Finance to the GHA Board? Will that information be made available on the GHA's or the Government's website?

1200 **Hon. Dr J E Cortes:** I have not taken a decision on that yet.
As I say, we are looking at the way that public meetings of healthcare boards are organised in other parts of the world, and this is why we have not held a meeting yet. We have other aspects to look into as to how to conduct them. It is a fairly delicate thing, having health authority meetings in public. We have to take into account things, for example, like patient confidentiality and so on, so I am not in a position yet to undertake to do that, but certainly I will be in a position to do that very soon.

1205

**'Metal on metal' hip replacements
Gibraltar patients affected**

1210 **Clerk:** Question 154, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health report back on the investigation to assess whether any Gibraltar patients could be affected by 'metal on metal' hip replacements that could be causing systemic toxicity in the body?

1215 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

The Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA has used metal on metal implants on 13 patients over the past five years. This represents 14% of the total of hip implants performed over that period.

1220 Metal on metal implants, as opposed to metal on polyethylene or other material combinations, were designed to be long lasting and have been inserted in the relatively younger population with serious hip disease.

1225 The implant the GHA has used exclusively is the Birmingham Hip Resurfacing, manufactured by Smith & Nephew Inc. The reported excessive failure rates have been with the DePuy ASR implant, which has been taken off the market and which has *not* been used locally.

The GHA is offering consultant review appointments for each of the 13 patients in upcoming orthopaedic clinics. The primary purpose of the clinic is to reassure patients following the recent media concern. In case of existing problems, investigations will be arranged.

1230

**Norovirus at St Bernard's Hospital
Precautions put in place**

1235 **Clerk:** Question 155, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health explain what processes were put in place when the recent norovirus outbreak was identified in St Bernard's Hospital?

1240 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

The Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA initiated its infection-control protocol for an outbreak as soon as the outbreak was declared by the Infection Control Officer on 20th January.

1245 These protocols, which have been in place for the past several years, are based on international standards of infection control practice. The protocols initiated were similar to those initiated in February 2011 and included segregation of infectious persons and the limitation of contact with uninfected persons beyond that deemed essential for care; universal precautions in the handling of infected materials, such as the use of aprons, gloves and suitable apparel and disposal of clinical waste in accordance with policy; regular and frequent handwashing, as well as cleaning of affected and risk-prone surfaces with recommended disinfectants; prompt disengagement of staff taken ill and restriction from return until clear of symptoms for 48 hours.

1250 However, unlike in 2011, it was not found necessary to close the wards to admissions.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then confirm that these processes that were put in place are public health clinical governance procedures and not Government policies?

1260 **Hon. Dr J E Cortes:** These procedures which were put in place are, as I said, based on international standards of infection control practice. They were controlled entirely by the professionals and there was no need or even consideration for the Minister to involve himself in any way in the work of the professionals and

impose any other kind of Government policy.

These are generally recognised infection control procedures.

1265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us if the norovirus is now contained and how far it got into the community?

1270 **Hon. Dr J E Cortes:** It is quite likely that this virus is endemic in the community at particular periods of time, so you cannot really say that it will have gone into the community *from* the hospital; it will have come into the hospital from the community, so I cannot really answer the second part of the question. But as far as my statistics go, the latest that I have any incidence of a new case of norovirus in St Bernard's Hospital is 5th February.

These things can come in and out, as I say, if a virus is endemic in the community, but that particular outbreak, according to my data, finished round about that time.

1275 **Hon. Mrs I M Ellul-Hammond:** Thank you. Mr Speaker, can the Minister tell us how many wards were closed and for how long?

1280 **Hon. Dr J E Cortes:** This is additional supplementary information which I would need notice of – specific wards and specific number of days.

It did affect, as far as I can see in the information I have, three or four wards. If I had this in colour I could tell you exactly because it is a black-and-white copy of a colour version. I can provide that information, but I do not have it off the top of my head at the moment.

1285 **Hon. Mrs I M Ellul-Hammond:** Perhaps, Mr Speaker, I may enlighten the Minister that three wards were closed. Does he not agree, then, that this year's outbreak was more serious than the outbreak of February of last year, which resulted in the closure of only one ward?

1290 **Hon. Dr J E Cortes:** Seriousness of infection is very difficult to describe because how do you measure seriousness? By the number of occurrences? By the rate in which it passes? By how virulent it is in any particular patient? We felt that this year the rate of spread was less than last year – I am talking about rate – and therefore the decision was taken not to close the wards to admissions. But relative seriousness is something that is impossible to determine in this kind of brief conversation without specific data on all sorts of parameters.

1295

**St Bernard's Hospital
Date of last norovirus outbreak**

1300 **Clerk:** Question 156, the Hon. Mrs I M Ellul-Hammond.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Health state on what date the latest norovirus outbreak was detected at St Bernard's Hospital and on what date the Minister was made aware of this norovirus outbreak in St Bernard's Hospital?

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

1310 **The Minister for Health and Environment (Hon. Dr J E Cortes):** Mr Speaker, the outbreak was declared by the Infection Control Officer at 8.10 a.m. on 20th January. The Chief Executive was informed at 8.20 a.m. and I was informed by the chief executive at 8.32 a.m., 22 minutes after the declaration. Norovirus was immediately suspected but was not confirmed until subsequently.

1315 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then explain why it took so long for any information on the norovirus outbreak to be made public?

1320 **Hon. Dr J E Cortes:** Yes, because we have to take a responsible approach to this sort of thing. If one is told that there is an outbreak of a certain number of cases of alimentary canal issues, then you cannot just pick up the phone and call GBC and say, 'We have an outbreak of something – we're not sure what it is or how many people it affects.' Had we done that, we would have been criticised by the Opposition for not knowing what we are doing, for irrationally worrying people without the necessary information. So you have to really know and assess how this is going and what the details are before you make a public statement.

1325 The important thing is the immediate implementation of infection control measures. That is our main responsibility – to protect the health of the community – and that was done immediately. Then it needs to take one or two days in order for you to determine whether it is something of concern to the community that the community should be made aware of. Obviously, relatives of people in the ward were also informed right away, so it was not a secret. It was in the public domain on a need-to-know basis.

1330 By the time that a couple of days had passed... This was a Friday, so by the Monday, the number of instances had decreased tremendously – there were only three new cases on the Sunday, for example – so it appeared that the actual outbreak had been a very short one and had died out, and therefore it was not felt necessary to make a statement at that time because we would have been warning people about something that appeared to have been sorted out.

1335 Subsequently, there was a slight peak later on in the week and, around that time, it became in the public domain because of the Opposition's statement, so there was not really any sense in making it right away. By the time we were thinking of doing it, it seemed to have petered out. We had a couple of slight peaks later, but certainly there was not really a need. By that time it was in the public domain.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the reality is that there was concern from the public, because that is how we got to hear of it, because restrictions *were* put in place.

1340 I ask: why did it take GBC questions to the GHA and a press release from us for the Director of Public Health to *finally* make a statement on the norovirus situation and reassure the general public?

1345 **Hon. Dr J E Cortes:** Because it did not appear necessary by that time to do it, because the infection had almost passed by that time, and we had no idea that, a few days later, there might be a couple more cases, but it did not feel necessary.

1345 Immediately that this was pointed out and we had a press question, we very clearly asked the Director of Public Health to make a public health statement. As he himself said, it is not much more serious than a common cold, and I hope we are not expected in future to make a public statement every time three or four patients and five or six nurses get a cold at St Bernard's Hospital.

1350 **Hon. P R Caruana:** Mr Speaker, would the hon. Member agree with me that, clearly, there were no grounds for the hon. Member to believe that this had been sorted out and past, and therefore it was not worth mentioning to anybody, and then go on to say that, a couple of days later, there were peaks. If the outbreak has not *peaked*, on what ground did anybody presuppose that it had been sorted out?

1355 Secondly, Mr Speaker, wouldn't the hon. Member agree with me that precisely the way to allay public concern about things that the public need not worry about is to make public statements, and that by *not* making public statements all that happens is that people end up speculating and therefore worrying precisely about things that the hon. Member believes is no cause for concern.

1360 Thirdly, the hon. Member has said that this was in the public domain on a need-to-know basis because the families of patients were in the know. I have great difficulty accepting that because, precisely we, on this side of the House, got to know that there was an outbreak of *something* – we did not know what – in the hospital which had required restricted visiting rights and other things, from *precisely* a family member of a patient who was flapping precisely because no-one would tell them what it was that was going on and what sort of danger their family member was exposed to in the ward.

1365 So this does not ring true with the statement that the hon. Member is now making in this House that families *did* know, were being told and therefore were being kept informed and therefore the public knew on a need-to-know basis.

1370 **Hon. Dr J E Cortes:** I am surprised about the last point. All I can do is look into it. Perhaps that relative did not get informed for some reason. I will have to look into that.

Public statements were made in response to press questions – (*Interjection*) Yes, indeed. They pre-empted

any statement that we would have made otherwise, in the sense that it appeared that the infection had actually petered out by that time, and when I said ‘peaks’, these are minor peaks. I have a draft in front of me.

1375 **Hon. P R Caruana:** What is a minor peak?

Hon. Dr J E Cortes: You can get a minor peak. (*Interjection by Hon. P R Caruana*) If you have two cases one day and four cases the next day and three cases the next day, that case of four is a minor peak. We are talking about small figures. I am using scientific terminology which, to me, does not raise any alarm, but obviously to the hon. Member does.

1380 I do not feel that we did absolutely anything out of the ordinary. I think that we took every measure to protect the community. In fact, I am convinced this was a minor outbreak of a not very virulent disease. By the time we knew enough about it, it was apparently petering out. Then it got into the public domain and so it has continued.

1385 I have no concerns whatsoever. Everybody did what they had to do and rather well, as well, and the infection was over within a very short period of time. I do not think I have much further to say on that.

1390 **Hon. P R Caruana:** Yes, Mr Speaker, I have no doubt that the infection was very well handled by the staff at the GHA – the nurses, the doctors and the management. That is not what we are discussing. What we are discussing is whether the management and, indeed, the Government should have made a public statement to allay public concerns and speculation.

I suppose the acid test of what I am asking the hon. Member is, given their style when they were in Opposition, what fuss would *they* have made against *us* in Government *if* they had discovered from a patient – the sort that used to line up outside Watergardens to speak to them regularly – that wards had had to be restricted to visitors because *something* was going on. They would have taken an even more aggressive view than we took.

1395 Would the hon. Member agree with me that, with the benefit of hindsight and perhaps for the future, it is best to make a calm... particularly when, as he says, he believes that there was no real cause of concern. In those circumstances, particularly, the most sensible thing to have done, does he agree with me, would have been to put out a statement so that there could have been *no* cause, *no* risk and none of what actually happened, which was people speculating and worrying, coming running round to the Opposition saying that something dreadful must be going on ‘because they won’t let me get in to see my family member’, and that, particularly when there is no serious issue at stake and people’s minds can easily be put at rest, isn’t it better to put them at rest by making a timely public statement?

1405 **Hon. Dr J E Cortes:** No. First of all, I do not know what would have happened had we been in Opposition, because I have never been in Opposition, so I do not have the benefit of that. (*Interjection*)

No, seriously, quite honestly I am told early on a Friday morning that we have a number of infections of stomach ailments or whatever. I cannot make a statement until I know more about it, until I know what it is and how serious it is.

1410 We take the immediate anti-infection action. Relatives were informed. Maybe one slipped by – I do not know. Then, three days later, it goes down to two and it seems to be going down. There is hardly any need to say anything else because it is virtually over.

1415 Therefore, I think that had the pattern been slightly different, had there been more on the Sunday or the Monday than there were, then definitely there would have been a public statement, but my value judgement at the time was that it would have been irresponsible to make such a statement and unnecessary, and that is my opinion.

No two outbreaks will be the same and every outbreak will be treated as it has to be treated: responsibly, clinically, professionally and scientifically. That is all I can say.

1420 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, may I remind the Member opposite that, in fact, when they were in Opposition, the spokesman for Health did say, and I quote from 2nd March of last year:

1425 ‘Government should have alerted the public about the recent spread of a suspected norovirus in St Bernard’s Hospital at the outset, instead of keeping quiet about it until the situation was brought under control.’

Hon. P R Caruana: A very experienced spokesman for the Opposition, as opposed to an inexperienced Minister.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain why he got his priorities wrong when, on the day of the Government press release on the norovirus, which was not up to date, the Minister was able to give an interview on the Upper Rock which perhaps could have waited a day or two?

1435 **Hon. Dr J E Cortes:** As I was not in the House at the time, or anywhere near, I will look into what the Government responded at the time and see whether I can learn from that. *(Laughter)*

**Primary Care Centre
Improvements to smoking cessation programme**

1440

Clerk: Question 157, the Hon. Mrs I M Ellul-Hammond.

1445 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. the Minister for Health state how the GHA will improve on the already existing smoking cessation programme offered by the nurse practitioners at the Primary Care Centre?

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

1450 **The Minister for Health and Environment (Dr J E Cortes):** Mr Speaker, the GHA is already in the process of enhancing the existing smoking cessation programme and will, for the first time, provide nicotine replacement therapy to those on the programme.

1455 In addition, I will shortly be placing before Government proposals to expand the service. Once my Cabinet colleagues have had the opportunity to consider the best date to start implementation of the manifesto commitments in respect of the ban on smoking in public places, the programme will be expanded according to the Government's chosen schedule, more details of which I will provide in answer to another question on the Order Paper.

1460 **Hon. Mrs I M Ellul-Hammond:** Thank you.
Mr Speaker, can the Minister explain, then, if the GHA will consider funding prescriptions for smoking cessation aids such as patches, gum and inhalers?

1465 **Hon. Dr J E Cortes:** We have already started providing the nicotine patches and we are considering, as part of the exercise that I referred to, what else we are going to do to carry this along, but we are committed to a wide-ranging smoking cessation programme.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain what the permanent anti-smoking campaign in secondary schools and youth clubs will be that is already over and above what is being done in schools in PSHE and through posters, and also, in fact, for the posters on No Smoking Day by the Public Health Department of the GHA?

Hon. Dr J E Cortes: I am sorry, could you repeat that?

1475 **Hon. Mrs I M Ellul-Hammond:** Yes. What is going to be done over and above what has already been put in place by the Public Health Department through the schools and...

1480 **Hon. Dr J E Cortes:** Obviously, the nicotine replacement patches is new. This was not done before, but on the subject... This is currently being discussed. We are currently discussing what we are going to do to promote it. We have not completed it yet, but it will be finished very soon, and I can say a little bit more as to our timescale in answer to your next question.

**Legislation to ban on smoking in public places
Date of introduction**

1485 **Clerk:** Question 158, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. the Minister for Health state when the ban on smoking in public places legislation will be introduced?

1490 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

1495 **The Minister for Health and Environment (Dr J E Cortes):** Mr Speaker, subject to the completion of the legislative options and completion of drafting by the LSU, which is already well under way, it is my intention to set out the timetable for this on National No Smoking Day, which is 14th March this year and, hopefully, we will have more information on the other aspects you asked about before.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1500 **Severely challenging pupils
Management policy**

Clerk: Question 159, the Hon. Mrs I M Ellul-Hammond.

1505 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Education explain what the current policy for dealing with severely challenging pupils is, what provision is presently made for them and what, if any, the Government's future policy for them will be.

1510 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1515 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy for dealing with pupils exhibiting extreme challenging behaviour is based on identification, assessment by a multi-disciplinary panel, the provision of resources and regular review – the same as it has always been.

The majority of pupils displaying challenging behaviour are supported by the Behaviour Education Support Team in schools and will continue to be educated in a mainstream setting alongside their peers.

1520 Where the child and family are known to the Care Agency, a joint Education/Care Agency plan is put into place. This may include a tailored programme delivered by a teacher outside the school premises and always in partnership with the Care Agency and other relevant bodies, such as the RGP and GHA. The process is monitored through multi-agency case conferences.

1525 The most extreme cases are educated in specialist centres outside Gibraltar. The Government intends to create a dedicated discipline support facility to cater for the pupils with challenging behaviour who can benefit from an environment which will keep them away from the mainstream for their own protection and for the safety of staff and other children.

Hon. Mrs I M Ellul-Hammond: Thank you.

1530 Mr Speaker, can the Minister explain further, then, this manifesto commitment to create a unit away from mainstream education for children of challenging behaviour? Where will this unit be and for what age groups?

Hon. G H Licudi: Mr Speaker, the position is that the Government intends to create a dedicated facility.

1535 We are currently looking, in conjunction with my hon. Colleague, Miss Sacramento, at the sites which will be used for this. A site has been identified already and is being considered. The idea is to have a secure facility where children with challenging behaviour can be sent and can be cared for, both by the Care Agency and provided with education. That is the intention and that is what we are working for.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does this conform with other education systems in Europe, and what studies have there been to indicate that this does not psychologically damage those students, who may feel stigmatised by attending a separate institution or which may be seen as a correctional facility and fingers will be pointed?

1540

Hon. G H Licudi: Mr Speaker, this is not intended to be the sort of institution that the hon. Lady is referring to.

There are circumstances already where children have to be taken away from mainstream education, both for their own protection and for the protection of others in that school. That already happens, and what we are doing is providing a set-up which does not exist at the moment. Now it is dealt with on an *ad hoc* basis and we want to have a dedicated facility to be used only in these rare and extreme cases. So it is not a case of creating an institution where we are going to be putting children at the first opportunity.

1545

The efforts that are made, as I have explained, are based on keeping the child, to the extent that it is possible, in mainstream education and providing the support that is necessary. That is done through a multi-disciplinary agency panel. An assessment panel is constituted, which is formed by paediatricians, social workers, educationalists, therapists and educational psychologists. That assessment is made and the needs of that particular child are identified and considered as to how best it can be provided, always within mainstream education.

1550

But we have had cases in the past where it has not been possible for that child to be kept in mainstream education. We have had cases in the past where the child has had to be sent to the United Kingdom to specialist facilities. We consider that it is best if we have that sort of facility replicated in Gibraltar, rather than having to send the child to England, primarily because the child is kept in a local setting, kept near his family. The people that have dealt with that child, both from a care point of view and the education point of view, can continue to have that care for that child, and we believe that that is a better prospect for the child than sending them away to the UK. But it is only in those exceptional circumstances that that facility will be used.

1555

1560

Hon. Mrs I M Ellul-Hammond: Thank you.

Mr Speaker, can the hon. Member then clarify that you will be building a separate educational institution for those one or two children who would otherwise have been sent to a specialist education institution in the United Kingdom?

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Hon. G H Licudi: Mr Speaker, this is not a separate educational institution. This is a facility which will provide a secure setting whereby a child with extreme challenging behaviour can be kept and can be cared for, *including* by the provision of education and the assessment of the necessary panels.

1570

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister then explain what the role of Bayside School's Alternative Learning Centre is and the type of children that attend it?

1575

Hon. G H Licudi: There are two different situations. One is where the child is identified as having behavioural problems and can be supported and be kept in school. That is the preferred option and that is why the Behaviour Education Support Team exists, which consists of teachers, and also the educational psychologists participate in that. That is always the preferred option, to keep that child in the school setting.

This alternative facility is not simply to provide the alternative for those particular cases that are currently handled in schools; it is to provide the alternative for those cases that *cannot* be handled in schools and, on occasions, have to be taken to the United Kingdom. Therefore, it is not a replacement for the facilities that already exist in schools.

1580

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister then tell us whether the Alternative Learning Centre will continue to function, and will it function in the same way as it has been so far?

1585

Hon. G H Licudi: Yes.

Hon. J J Netto: I am grateful to the hon. Member opposite in the Government obviously going along this path because obviously this is something that we recognised, that there was something that had to be extended

1590

from the services that had developed in the past and in fact it was a manifesto commitment.

1595 The reason why I need to seek further clarification from what he said is because he used the terminology
"secure setting" a couple of times. Now for the purpose of clarification when we are talking about 'secure
settings', normally this is done because a particular child is absconding and such absconding poses a risk to
that particular child, so is the hon. Minister saying that, for the purpose of doing this particular centre and for
having a secure centre, changes to the Children Act will have to be brought about so that the Care Agency – if
the Care Agency is indeed the one that is going to manage this – will be able to go through a Social Worker to
a Judge and be able to say to a Judge, well, you know, for this particular reason there is a need to secure this
1600 particular child for a specific period of time. Is that the case?

Hon. G H Licudi: It is the case that changes to the Children Act are being considered and may be
necessary, as indicated by the hon. Member

1605

**Revised educational curriculum
Not necessarily UK-led**

1610 **Clerk:** Question 160, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker can the Minister for Education state if he will be exploring
other jurisdictions' curriculums or systems of education, in order to introduce a revised one in Gibraltar that is
not necessarily UK-led, such as that of Scotland, Ireland, Canada, Australia or even other European countries,
as highlighted by his hon. Friend, the then Opposition Spokesman with responsibility for Education, in his
1615 2010 budget speech?

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

1620

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H
Licudi):** Mr Speaker, there are currently *no* plans to move away from a UK based education system.

1625 More specifically our education system, our public examinations system, the awarding bodies and our
entire education arrangements are all historically and culturally linked to those of England. It goes without
saying, however, that the Education Department will always keep abreast of worthwhile educational
innovation regardless of national provenance.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Hon. Minister suggesting that his hon. Friend was,
then, speaking out of turn and not in line with Alliance policy in 2010?

1630

Hon. G H Licudi: Mr Speaker, I am not suggesting anything of the sort. I am answering what the
Government's plans are, and the Government has no plans to move away from the current educational system,
but the door cannot be left completely closed.

1635 We constantly hear comments in the press about changes to the education system in Gibraltar, sorry in
England, and where there are changes made we have to consider whether those changes are going to be
replicated in Gibraltar. We have to take our own decisions on that. There are some changes which may be
beneficial and that we will adopt. There may be others that would not be beneficial and we do not adopt –
those decisions are to be taken at that particular time when changes are made. At the moment there are no
plans to change the current education system.

1640

**New Director of Education
Timeline for appointment**

1645 **Clerk:** Question 161, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Can the hon. Minister for Education explain what the timeline is for the appointment of the new Director of Education?

1650 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker the Bulletin of Circulars advertising the post of Director of Education was published on 31st January 2012.

1655 The closing date for applications was 14th February 2012. The Public Service Commission will meet after this date; in fact, I am now told that the date for the Public Service Commission meeting is the 8th March, so I expect that the Public Services Commission will decide on that appointment on that date.

1660 **Hon. Mrs I M Ellul-Hammond:** Thank you very much.

Maintenance Orders Compliance review

1665 **Clerk:** Question 162, the Hon J J Netto

1670 **Hon. J J Netto:** Mr Speaker, given the length of time some individuals habitually remain in breach of Maintenance Orders, will the Minister for Justice conduct a review of this matter in order to ensure compliance with the Courts' Orders in a timely manner?

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

1675 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Clerk to the Magistrates Court will now receive a monthly report showing all known breaches of Maintenance Orders and information on Maintenance Orders that may be in breach, even though this has not been formally reported to the courts by one of the parties.

1680 The final decision on actions to be taken, however, remains by the collecting officers of the court and the court itself.

1685 **Hon. J J Netto:** Well, Mr Speaker, of course, I can understand what the mechanism may be in place at the courts in order to ensure compliance with the courts order but, perhaps, this is... I mean, if there were to be a case where there are any material changes to the condition of a person that, obviously, the courts will look into the particular case of that particular person. Otherwise, if there are no material changes to that particular person which is in breach of the Maintenance Court Order, it seems to me, Mr Speaker, that given that we are in this particular case talking about 29 that are in breach, right, it is not a huge number, by definition, so the court quite easily could obtain information from other Government Departments, whether Social Security or Employment, to establish whether those particular persons in breach are actually in employment or unemployment. Once they have that particular information they can act particularly more quickly to ensure compliance, because the non compliance of the Maintenance Order will mean hardship for a particular family.

1690 So will the hon. Member now agree that this is absolutely necessary and perhaps look into it?

1695 **Hon. G H Licudi:** Mr Speaker, of course, the Government appreciates that where there is a court order in place and there is, especially in terms of payment of maintenance to other parties... and that order is in breach, that may result in hardship to the person. The question of enforcement, however, of those court orders is essentially a judicial process; it is not a process for the Government or for myself as Minister with responsibility for Justice.

1700 What the hon. Member asked last month was the number of orders that had been in breach and I explained the process by which that is arrived at and the numbers. What I have today told him, in response to a question

1705 on a review, is that, in fact, that review has already happened by the Clerk and that the Clerk will now receive certain reports which he can monitor on a monthly basis, so we hope that, as a result of this matter having been raised, the position... I cannot say how it will be addressed in a judicial context because that is a matter for the court officers and the court itself, but certainly the system is in place for identification at hopefully an earlier stage of possible... because the mechanism for identification is about identifying on a monthly basis no breaches and Maintenance Orders that may be in breach, even though it has not been formally communicated to the court.

1710 So we have put that system in place and we hope that it bears fruit and identifies at an early stage appropriate action to be taken: ultimately the action is for the courts.

Clerk: Question...

Mr Speaker: No, the Hon. Daniel Feetham

1715 **Hon. D Feetham:** Yes, does he not accept that, in fact, part of the problem in relation to this, and I certainly experienced this when I was sitting in, not in his chair, slightly to the right, but when I was Minister for Justice, it is not the actual enforcement by the courts, it's the issuing, it's that the courts issue arrest warrants and then there are, there may be a number of arrest warrants in relation to a particular individual and the complaints certainly that I received was that the police weren't enforcing those arrest warrants.

1720 Does he... is it something that in his short time as Minister for Justice that has been a problem that has been communicated to him and, if so, what does he intend to do about it?

1725 **Hon. G H Licudi:** Mr Speaker, there has been no communication to me of any particular problem in relation to the issue involved of arrest warrants. The question related specifically to breach and the systems that are in place for identifying those breaches and dealing with them and that is the answer.

If there is an issue relating to what happens subsequently that is an issue that clearly can be looked at and I will be doing so.

1730 **Hon. Chief Minister:** Mr Speaker would that be a convenient moment to break for 15 minutes?

Mr Speaker: That would be a very good moment for that! (*Laughter*)
The House will recess for 15 minutes.

The House adjourned at 5.15 p.m. and resumed its sitting at 5.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.35 p.m. – 7.47 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament resumed its sitting at 5.35 p.m.

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

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

Questions for Oral Answer

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

**Royal Gibraltar Police
Reported cases of domestic violence**

Clerk: Question 163, The Hon. J J Netto

5 **Hon. J J Netto:** Can the Minister for Justice state if there have been any reported cases of domestic violence at the RGP from the beginning of September 2011 to the end of January 2012, showing the number of persons arrested as a result of the police attending the call, and the persons charged as a result of the police intervention?

10 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

15 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Royal Gibraltar Police records domestic violence incidents into two different categories – Offence/Arrest or Reported for Information Purposes Only. The latter is subdivided into two sub categories – domestic violence, where there has been some degree of physical violence, and domestic non-violence, where no physical violence has taken place.

20 Fifty five cases of domestic violence have been reported to the Royal Gibraltar Police from the beginning of September 2011 to the end of January 2012. As a result, 38 were reported purely for information purposes only, 15 as domestic violence and 23 as domestic non-violence. Twelve persons were arrested, four persons were charged and are awaiting trial, two persons were reported and will receive summonses to appear in court. Two persons were arrested as a result of assaulting police officers attending to the disputes.

25 **Hon. J J Netto:** Mr Speaker, I was not able to get all the amount of information. I wonder whether the hon. Member would mind providing me with a copy of the papers so I can get hold of the details of the information.

I am much obliged, Mr Speaker.

30 **Hon. P R Caruana:** Mr Speaker, does the hon. Member consider that, in the present day and age, the distinction that he has just recited to this House, as still maintained by the RGP as between domestic and non-domestic Violence, is justified any longer?

35 **Hon. G H Licudi:** Sorry, is the question relating to domestic violence and domestic non-violence? Because the distinction I have drawn is between domestic violence and domestic non-violence, where there is, in the former case....

Hon. P R Caruana: Sorry, I misunderstood. I thought there was a category of violence – domestic and non-domestic violence

40 **Hon. G H Licudi:** No, No

Hon. P R Caruana: I see, I withdraw the supplementary.

45 **Royal Gibraltar Police
Reported cases of rape or sexual abuse**

Clerk: Question 164, the Hon. J J Netto

50 **Hon. J J Netto:** Can the Minister for Justice state if there has been any reported cases at the RGP in relation to rape or sexual abuse from the beginning of September 2011 to the end of January 2012, broken down monthly, and if there have been any persons charged as a result of the inquiries of the police?

55 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, no reports alleging rape have been received by the Royal Gibraltar Police from the beginning of September 2011 to the end of January 2012.

60 With regard to sexual abuse I am not entirely clear whether the hon. Member by sexual abuse means sexual abuse with children or sexual abuse generally, in other words crimes involving some element of a sexual nature.

65 **Hon. J J Netto:** Yes.

Hon. G H Licudi: What I will do is give the hon. Member the number of reports with allegations of a sexual nature made during this period.

70 September 2011 – in September 2011 police officers arrested and later charged a male and female for indecent behaviour. Both persons were sentenced to three weeks imprisonment.

October 2011 – no offences were reported.

November 2011 – a report was received from a female that she had been indecently assaulted. One person was arrested and charged with indecent assault and later fined £200. Also in November a report was received of an indecent exposure. This matter is still being investigated.

75 December 2011- one person was arrested for indecent assault. That person was charged with indecent assault and robbery and will be appearing in court on or appeared in court on 14th February 2012. Also in December, one person was arrested for indecent assault. The person is currently on police bail until the 1st March 2012.

80 In January 2012 a report concerning possession of indecent images of children was received. The matter is still being investigated. Also in January, a person was arrested and charged with indecent assault. The person will next be appearing in court on the 23rd May 2012.

Hon. J J Netto: If the hon. Member would not mind providing me with a copy of the answers... Thank you.

85 **Hon. G H Licudi:** Yes.

Hon. D A Feetham: Mr Speaker, I do not think my hon. Friend has a supplementary so, in fact, you can continue.

90 **Mr Speaker:** Well, in that case, let us continue.

**Legal Aid and Assistance schemes
Policy on reform**

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

100 **Hon. D A Feetham:** What is the Government's policy on reform of Legal Aid and Assistance schemes?

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

105 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy of the Government is to reform the Legal Aid and Assistance schemes. There is a draft Bill which I am in the process of considering. I am consulting the Bar Council and the Registrar of the Supreme Court on the draft Bill.

110 **Hon. D A Feetham:** Can the Minister confirm that is the draft Bill that was drafted when I was Minister for Justice?

Hon. G H Licudi: Yes, sir

115

**Financial centre development
Islamic Finance and Shariah compliant financial products**

120 **Clerk:** Question 166, the Hon. D A Feetham

Hon. D A Feetham: Will the Minister for Financial Services state whether the Government has any present intention to develop Gibraltar as a financial centre for Islamic finance and Shariah compliant financial products?

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

130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have discussed the possibility of developing Gibraltar as a financial centre for Islamic finance and Shariah-compliant products with the Financial Services Commission and the Finance Centre Director.

I intend to have further discussions with them and to consult the Finance Centre Council. Government will give due consideration to the views and representations made to it before a final decision is taken. I would add that there is no reason why Shariah-compliant products may not currently be marketed or developed by the providers of financial services in Gibraltar subject, of course, to all statutory and regulatory requirements being met.

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140 **Hon. D A Feetham:** Yes, that is certainly true but does he not accept that it would increase the attractiveness of Gibraltar as a jurisdiction for Shariah-compliant products if there was some statutory underpinning, which, for example – it does not need to be complicated – but, for example, would ensure that any Shariah products that are actually sold from Gibraltar need to comply with Shariah law?

One of the ways that is done is for a particular expert on Shariah law to actually certify that the products that are being sold are Shariah products or that the company that is selling those products is structured as a Shariah-compliant company. So does he not agree with me that if, despite the fact that I accept that at the moment Shariah products can be sold from Gibraltar, if we are to increase the attractiveness of the jurisdiction in that regard some form of statutory underpinning is necessary?

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150 **Hon. G H Licudi:** Mr Speaker, I agree with him that this matter is worthy of consideration and that the issues that the hon. Member has raised are precisely the issues that I am currently discussing with the relevant parties.

With regard to the certification... to the extent that a particular product needs certification, a provider of financial services can already do that, although I have been made aware of the issue that the hon. Member raises in relation to possible legislation. That is something that we are actively considering.

155

EQUALITY AND SOCIAL SERVICES

160

Cochrane Ward

Places available since 9th December 2011

165

Clerk: Question 167, the Hon. Mrs I M Ellul-Hammond

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how many places have been made available at Cochrane Ward since 9th December 2011 and were they filled by long-stay elderly people already in hospital wards or straight from the community?

Clerk: Answer the Hon. the Minister for Equality and Social Services.

175

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there have been six places made available since 9th December 2011. All were filled by long-stay elderly patients in hospital. No admissions to Cochrane Ward have been straight from the community, as was the policy when Cochrane Ward opened in 2009.

180

**Calpe Ward, St Bernard's Hospital
Date of opening and staff requirements**

185

Clerk: Question 168, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality and Social Services specify when the Calpe Ward in St Bernard's Hospital will be open, and what would be the new additional staff requirements, broken down by grades, and will it be run by the GHA or the Care Agency?

190

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the planned opening for Calpe Ward is Sunday 26th February 2012.

195

Staff requirements are 8 Registered Nurses, 18 Care Workers, three domestics and medical cover. Calpe Ward will be run in partnership between the GHA and the Care Agency.

The eight Registered Nurses and 18 Care Workers will be provided by the Care Agency and arrangements are being made to rotate existing staff to the new ward, so that new staff are spread out evenly throughout different areas of elderly care. Medical cover and domestic staff will be provided by the GHA.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister tell us where the nursing staff will come from?

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Hon. Miss S J Sacramento: Mr Speaker, although this is not a question that was specifically asked, I am aware that there will be four Spanish nationals recruited as Registered Nurses and there are four other nurses where recruitment is pending.

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Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister then tell us if there was much response to the two vacancies advertised for Nursing Assistants and a Registered General Nurse for small elderly care units?

Hon. Miss S J Sacramento: Mr Speaker, I am not aware of the exact number of applicants but I am happy to inform the hon. Member opposite should she write to me directly.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise if these nurses will be taken from, as in response to this advertisement or if they will be taken from existing wards within the GHA hospital?

Hon. Miss S J Sacramento: Mr Speaker, these are new recruits and they will not be taken from any existing wards.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why is it, then, that the advert was placed by the GHA, not the Care Agency?

225 **Hon. Miss S J Sacramento:** Mr Speaker, although it is correct that there was an initial advert by the GHA, this advert was then withdrawn and there was a subsequent advert by the Care Agency.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise how much the running of the Calpe Ward will cost?

230 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot give an accurate cost at present. Perhaps if I had been given notice of that question, which is not really implicit in Question 168, then I would be able to provide that information.

Of course, I am happy to provide that once final figures are known and if these are requested by the hon. Member opposite.

235 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain what additional measures will be implemented for their long term plans of, and I quote:

'a made to measure facility for the elderly'?

240 **Hon. Miss S J Sacramento:** Mr Speaker, I think that question is a bit vague and I don't know what... how this relates to Calpe Ward.

245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it relates to Calpe Ward in that, in their manifesto, they state:

'Our short term policy will be to *add* beds at St Bernard's'

– i.e. the opening of the Calpe Ward –

250 'We will also provide a made to measure facility for the elderly.'

Hon. Miss S J Sacramento: Mr Speaker, the opening of Calpe Ward is an emergency measure, given the state of the –

255 **Hon. N F Costa:** The lack of beds.

Hon. Miss S J Sacramento: – the lack of beds at St Bernard's Hospital and the long-standing problem of beds in surgical wards which have been taken by elderly people. So, Mr Speaker, a decision was taken to open Calpe Ward immediately.

260 Insofar as the bigger picture of addressing the issue with the elderly, a feasibility study in relation to the need to cater for that is being undertaken and, once we have the final result of that feasibility study, Mr Speaker, we will then consider what needs to be provided.

265 **Hon. J J Netto:** Earlier on, the hon. Lady did mention that the opening of Calpe Ward would be, if I quote her correctly, 'in partnership with the GHA'. Can she describe the partnership?

Hon. Miss S J Sacramento: Mr Speaker, the partnership is that the Gibraltar Health Authority and the Care Agency are working together.

270 **Hon. J J Netto:** Of course... *(Laughter)* It is an answer of the obvious but, leaving that aside, Mr Speaker, what I was referring to is the management of the new ward. Could she be more specific?

275 **Hon. Miss S J Sacramento:** Well, Mr Speaker, then maybe the question could have been more specific. **(Hon. N F Costa:** Absolutely.) Indeed, people are commenting that staff from both the Care Agency and the GHA are commenting how unique it is that both agencies are working together and are working together so effectively for the first time.

Mr Speaker, in general the running of Calpe Ward will be undertaken by the Care Agency very similar to the way that Cochrane Ward at the GHA is run.

280

**Care Agency residential home
Recordable acts of violence**

285 **Clerk:** Question 169, the Hon. J J Netto

290 **Hon. J J Netto:** Can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency Residential Homes, since this question was asked in Question No 46 of 2012 to date and, if so, could the Minister provide a breakdown showing the dates of the incident/s, whether the incident/s was between children, or between children and staff and whether, as a result of the incident, medical attention was required either at the home or in the hospital and for what purpose?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

295 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been five acts of violence; these have been between children and staff. Two of these have required medical attention.

I am now passing to the hon. Member a table with further details of these incidents, as requested.

ANSWER TO QUESTION 169 OF 2012

Date	LAC to LAC	LAC to Staff	Medical Attention/Where	What Purpose?
25/01/12		Yes	No	
26/01/12		Yes	No	
26/01/12		Yes	Yes/Hospital	Staff- Tetanus for a bite and antibiotics
28/01/12		Yes	Yes/Hospital	Staff - fracture of 2 ribs
29/01/12		Yes	No	

300 **Hon. J J Netto:** While the information is coming through, did I understand the hon. Lady correctly that the five acts of violence were between juveniles and staff – is that the case?

305 **Hon. Miss S J Sacramento:** Looked-after children and staff, not juveniles. ‘Juveniles’ implies that there was a criminal conviction.

Hon. J J Netto: Mr Speaker, as far as the medical attention which the hon. Lady has mentioned, was that given at the home or at the hospital?

310 **Hon. Miss S J Sacramento:** Mr Speaker, I would refer the hon. Member to the table and if he sees the medical treatment that was administered I think I can safely say that this was administered at the hospital, as this can only be administered at hospital.

315 **Hon. J J Netto:** Mr Speaker, could the hon. Lady say whether any of these incidents in relation to the looked-after children refers perhaps to the same children for which she gave me an answer, a written answer, last month?

Hon. Miss S J Sacramento: Mr Speaker, I do not have that information and I cannot confirm whether it is the same child or whether it is various children.

320 **Hon. J J Netto:** Will the hon. Lady, if I write to her, stating the fact that I would want to, or would like to, know whether we are talking about in all of these cases in this particular month – sorry in the month of January – are the same one to the previous month or not? Will she be able to give me that information?

325 **Hon. Miss S J Sacramento:** Indeed, Mr Speaker, I am happy to give this information on a confidential basis.

Clerk: Question 1-

330 **Hon. J J Netto:** Can I also say, Mr Speaker, whether as a result of the incidents, there was any discussion by management, post the incident, and, as a result, have there been any changes to the care plans of those particular children?

335 **Hon. Miss S J Sacramento:** Mr Speaker, discussions are ongoing each time there is an incident and they are ongoing in any event because care plans are reviewed continuously.

Some care plans are reviewed daily; some care plans are reviewed weekly so, of course, any incidents would have a bearing on the review of the care plan.

340 **Hon. J J Netto:** What I am actually saying specifically, as a result of this particular incident whether care plans have changed as a result of this?

Hon. Miss S J Sacramento: Mr Speaker, not assuming whether this is in relation to one child or various children, each incident, there is, each time there is an incident, the matter is evaluated and then it is taken into account in the care plan.

345

**Unallocated referrals of children
Level of risk to such children**

350 **Clerk:** Question 170, the Hon. J J Netto.

355 **Hon. J J Netto:** Can the Minister for Social Services state if there has been *any* unallocated referrals of children waiting for a service, since this question was asked for the month of January 2012 and, if so, provide a breakdown of the level of risk to any such children?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

360 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been no unallocated referrals for children waiting for a service since the question was previously asked. All referrals are, in effect, allocated.

365

**Seven registered looked-after children
Vocational Training Scheme placements**

Clerk: Question 171, the Hon. J J Netto

370

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the seven registered looked-after children are now in placements in the Vocational Training Scheme or, indeed, in any other scheme for training purposes, as stated in answer to question no 44 of 2012?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

375

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the seven registered looked-after children, one child has now returned to the UK and the position in relation to the remaining six looked-after children has not changed since the question was asked at the last parliamentary session. Efforts continue to be made to assist them in employment, as suitable employment opportunities arise.

380

Hon. J J Netto: Mr Speaker, can I ask the hon. Lady what has been the total amount of time in which the other six now have been registered either in the Vocational Training Scheme or any other training scheme, for that matter? What is the period for which they have been waiting a placement?

385

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I do not have the exact information but I can confidently say that they have been on the list since the previous Government were in office.

390

Hon. J J Netto: I am not asking her what is happening, you know, when we were in Government or when the GSLP was in Government, or when the AACR was in Government... I am asking her *now*, in reference to this particular six children, does she know the period in which they have been registered for a Vocational Training Scheme placement or any other training scheme at all. Does she know?

395

Hon. N F Costa: She said she does not have the information. That is the first thing she said.

400

Hon. Miss S J Sacramento: Mr Speaker, I have said that I do not have the exact information. Clearly, if they are on the new training scheme that could only have happened from 1st February. Before that they were on the waiting list for the Vocational Training Scheme. That they have been on the Vocational Training Scheme for some time I know. The first date on which they were placed on the training scheme I do not know, but I do know that they have been on the training scheme since before this Government came into office.

405

Hon. D A Feetham: Sorry, are these six children... is what the hon. Lady saying that these six children are now part of the Future Job Strategy? Is that what she is saying?

410

Hon. J J Bossano: Mr Speaker the... apparently there is a conflict of information provided between the people in the Social Services and the people in Bleak House. They did not appear as being on the Bleak House scheme in January and therefore they were not placed in the new scheme in February.

415

However, the people in the Social Services apparently *thought* they were in the Bleak House and we have not been able to establish, since the question came, whether, in fact, they were actually being paid the £450. Bleak House has no record of them. The Social Services were under the impression that they were getting paid by Bleak House and that they were in the previous scheme. I think they were not, frankly, and I do not think they were being paid, but I can't tell him that it is... In other words, what I am saying... if they were being paid and they were on the Bleak House scheme would have known, so I think the answer is that the information that the Social Services had was mistaken, not correct.

415

Hon. D A Feetham: Yes, but surely will the hon. Lady undertake to actually look into these six cases and to come to the House next time round and to inform the House as to whether they were on the VTS scheme as

420 of the date of the change of Government? If they were, I presume that, in fact, they will automatically then form part of the Future Job Strategy.

Hon. Miss S J Sacramento: Mr Speaker, we all assumed that that was the position, but having taken an interest in all six looked-after children, although it was easily established from some Departments that they were on the list, it could not be verified by other Departments – but the matter is already being investigated.
425 If the hon. Member wishes to ask me the question in the next House then, of course, I will respond.

Hon. J J Netto: Yes, can I ask one further question, supplementary question to the hon. Lady.
Given that two months have now elapsed whereby these particular six youngsters – I say youngsters because they must be between the ages of 15 and 18 or perhaps 19, right – have not been placed in any training scheme or whatever we want to call it. What has been that they have been doing then, because they have not been in education, they have not been in training, so what have they been doing in that interim period?
430

Hon. Miss S J Sacramento: Mr Speaker after the age of 15 there is no obligation for them to be in education and, in any event, Mr Speaker, my understanding was that they were on the waiting list of the Vocational Training Scheme and meetings and interviews were being held between the social workers, the children involved and the officers of the Vocational Training Scheme in, clearly, an attempt to place them in employment.
435

Hon. D A Feetham: Yes but does the hon. Lady not accept that you are not dealing with a normal situation here, certainly any child over the age of 15, it is not compulsory to return to school, but you are dealing with looked-after children, where the agency is in a situation of parental responsibility in relation to those children. Does she not accept that it is quite extraordinary that she does not know what the position is in relation to six children for which her agency is in a position of parental responsibility over the last two months?
440
445

Hon. Miss S J Sacramento: Mr Speaker I have said nothing of the sort. I have not said that I do not know. What I do not know is the first date on which they were placed on the list for the Vocational Training Scheme. I know exactly what is happening in relation to each child. There are six children. I have a brief in relation to each child which, of course, I am not going to give details in the Parliament, Mr Speaker, but I am happy to provide them to the hon. Member on a confidential basis.
450

Mr Speaker, it is not always easy to place people in employment, which is why both the social workers whose responsibility it is to look after the children, as well as the people at Bleak House, have been working together in an attempt to secure employment for these children.
455

Hon. D A Feetham: With respect to the hon. Lady, is she now saying that they are in a training scheme or are they not in a training scheme? Because the previous answer was that you did not know whether they were on a training scheme. That was the answer in fact that the hon. Gentleman, Mr Bossano gave a few moments ago. Are they on a training scheme or are they not on a training scheme? Because the hon. Lady doesn't seem to know.
460

Hon. J J Bossano: Mr Speaker, when the list was provided by Bleak House of the people of that were... these six names were not on that list. When my colleague asked the Department, the Department told her that they were on a waiting list but the Bleak House waiting list did not include them.
465

So we have the social worker saying one thing and the people in Bleak House saying something else. I have no doubt that they cannot have been in training because, otherwise, there would have to have been a payment and they would have had a place in which they had to be and, you know, we have not been able to establish why one set of public servants thought one thing and another set of public servants thought another, which is quite extraordinary when we are only talking about six kids and not...
470

Hon. P R Caruana: Mr Speaker, would the hon. Lady perhaps agree with me that, whether these six children or persons are in training now or not, I am sure that it would be a view shared across the floor of this House that, given that the state is *in loco parentis*, they should be given, if anything, priority under any

475 scheme and that care should now be taken to co-ordinate as many of the state mechanisms as possible to
ensure that these people do not fall between the two and get into employment or training because, otherwise,
they will become a bigger problem for everybody else.

480 **Hon. Miss S J Sacramento:** Absolutely and that is what is being done, Mr Speaker. Actively, I might
add.

Care Agency
Monthly expenditure reports to the Financial Secretary

485

Clerk: Question 172, the Hon. J J Netto

490 **Hon. J J Netto:** Mr Speaker, is the Government in a position, following their rethink of last month, to
provide a copy of the Monthly Expenditure Returns Report from the Care Agency to the Financial Secretary,
commencing from September 2011 to date?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

495 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the response is
the same as that given by my hon. Colleague in the reply to Question 126 of 2012 and that a policy decision
has been taken in this regard not to.

500

St Bernadette's Occupational Therapy Centre
Nursing services

Clerk: Question 173, the Hon. J J Netto

505

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if nursing services are being
provided at St Bernadette's Occupational Therapy Centre?

Clerk: Answer, the Hon. the Minister for Equality and Social Services

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that
there are nursing services provided at St Bernadette's.

515 The service provided consists of two full-time Qualified Nurses, one Learning Disability Nurse and the
other an Enrolled Nurse. The nurses provide fundamental care, administer medication, health education and
support to the Care Workers, service users and parents. The nurses also provide support in activity sessions,
outings and liaise with other professionals and contribute to the plan of care of the service users, much in the
same way as they did just over 2 months ago.

520 **Hon. J J Netto:** Mr Speaker, well, I knew that was the answer but, given I knew there were nursing
services provided at St Bernadette's, surely the answer given to me by her last month was incorrect because,
in answer to Written Question 34 of 2012, when I did ask how many people were in employment of the Care
Agency by location and she provided all the tables by the grades and by location, the two nurses are not
specified there so, therefore, the information is incorrect.

525 But I also noticed, having looked at that, in terms that they are not there, that it seems to me that, perhaps,
other totals are not as they should be or perhaps there has been some movement. For instance, we have a total
of 29 non industrial employees and four industrial employees, which is 33 persons, as given by the
information last month. But if we actually look at the Estimates book, there are a total of 25 persons in full-
time and part-time basis, so there seems to be a discrepancy between the figures provided last month in the
written form and the figures which we have got here.

530 That said – I do not know whether the hon. Lady is listening to what I am saying or not – but what... I
mean there may be a justification for this. For instance, one of the things I can recall is that one policy
decision we took when we were in Government that the Classroom Aides which were full-time are now part-
time, so that partly explains the difference between the figure provided last month and the estimate book – but
it does not completely tally. Not only does it not seem to tally in St Bernadette's, it does not seem to tally,
535 either, in Dr Giraldi Home. For instance, in Dr Giraldi Home the information given last month is that there are
four unit managers, whilst the Estimates book provided a figure of five unit managers, so perhaps does the
hon. Lady have an explanation for this?

Hon. Miss S J Sacramento: Mr Speaker, the information that the hon. Member is referring to is
information that has been provided to me by officials. Of course, I have not physically gone round each
540 Department of the Care Agency counting how many nurses and how many Classroom Aides we have! That
has been information provided to me by management.

If the hon. Member is now comparing that to the Estimates book which he prepared, then I do not know –
perhaps the hon. Member can explain the discrepancy to me. Certainly, there have been no policy decisions to
change staffing arrangements by this Government yet, so if there is a discrepancy then it may be a matter of
545 human error by the people who provided that information to me. Of course, if the hon. Member wishes to ask
me the question in writing I will respond to it. I will ask people to check the discrepancies and he can ask me
the question in writing and I can, of course, respond.

Hon. J J Netto: Mr Speaker, of course I know that the information is not being collated and prepared and
given by the hon. Member opposite of course I know that it is being done by the senior management but what
I am actually saying, that there are a number of discrepancies and information being given by the management
for which the hon. Lady then has to stand here in Parliament and provide an answer, and given that there are
discrepancies, what I am actually suggesting or asking the hon. Lady, because I cannot instruct the hon. Lady
555 to do anything, but to ask the hon. Lady could she actually take the information back given last month to give
a satisfactory explanation. Perhaps there is a perfectly legitimate explanation for that, but given there are
discrepancies like the unit managers and discrepancies like the nurses there has to be an explanation for this.
Can the hon. Lady take it back, therefore, and provide, you know, explanations for these discrepancies?

Hon. Miss S J Sacramento: Mr Speaker, I have already said that I will, so the answer is yes.
560 Perhaps it would have been more fruitful if I had been put on notice of this, as opposed to being ambushed
with figures that I provided last month.

Hon. D A Feetham: Well, can the hon. Lady explain how on earth she comes to the conclusion that she is
being 'ambushed' when, in fact, the figures were the figures which the hon. Lady provided last week, last
565 month?

Hon. Miss S J Sacramento: Because that is not the question that was asked of me, Mr Speaker, in
writing.

570 **Hon. D A Feetham:** Well does she not accept that she is responsible for the figures that she provides to
this Parliament both written and oral and should she not, does she not accept that she should have checked
both figures to see whether both figures correlated?

575 **Hon. Chief Minister:** Mr Speaker, this is when Parliament starts to turn into an argument rather than a
question and answer session.

There has been a perfectly civilized exchange between the Hon. Mr Netto and the Hon. Minister. The Hon.
Minister has undertaken to go back and the hon. Gentleman will know that the question didn't just relate to
the figures from last month and this month but also to the Estimates in respect of which *they* are responsible
for that Estimate book and it was done while they were in power.

580 I think the position is perfectly clear. The hon. Lady has said that she is going to go back and look. Let's
not allow this to descend into argument when it is Question Time.

Hon. D A Feetham: I agree entirely but then perhaps he should have a word with the hon. Lady not to

585 make comments such as that my hon. Friend has ‘ambushed’ her, which is clearly not the case.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is absolutely right. I will have a word with the hon. Lady, to congratulate her for how well she is conducting her answers in only her second session in this Parliament.

590 **Mr Speaker:** I take the point the Hon. Chief Minister has made. Let us keep the tempo down. I think it was progressing quite well but I must confess I think the use of the word ‘ambush’ rather triggered off a different tempo. Far be it from me to criticise the use of the language when it is not unparliamentary.

595 **Mount Alvernia**
Help for those in need of admission

Clerk: Question 174, the Hon. J J Netto

600 **Hon. J J Netto:** Mr Speaker can the Minister for Social Services say how many of the 66 persons awaiting an immediate need for admission into Mount Alvernia from the community, as answered in Written Question No 38/2012, are receiving any home help either by the Care Agency, the family of the elderly person, both, or by nobody.

605 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the 66 persons awaiting immediate admission need for admission to Mount Alvernia from the community, home help provision is as follows:

610 A combination of home help by the Care Agency and family support – 17
Family Support only – 36
Of the remaining 13, 4 have been admitted to Mount Alvernia... *[Sound of loud siren]*

615 **Hon. J J Netto:** Will the hon. Lady mind repeating the answer once the siren stops.

Hon. Miss S J Sacramento: Mr Speaker, I will start again.
Of the 66 people awaiting immediate need for admission to Mount Alvernia from the community, the home help provision is as follows:

620 A combination of home help provided by the Care Agency and family support is 17. There are 36 people with family support only and then, of the remaining 13, four have been admitted to Mount Alvernia, eight have been admitted to the GHA and one has passed away.

ANSWER

THE HON THE MINISTER FOR EQUALITY AND SOCIAL SERVICES

Mr Speaker,

Of the 66 persons awaiting immediate need for admission to Mount Alvernia from the community, Home Help provision is as follows:

Care Agency Only	Care Agency & Family Support	Family Support Only	No Home Help Provided
0	17	36	0

Of the remaining 13:

4 have been admitted to Mount Alvernia
8 have been admitted to GHA
1 has passed away

625 **Hon. J J Netto:** I am grateful for that, Mr Speaker but, given that there are 36 persons which only have help by the family, if I have understood that correctly and, given that we are talking about people who are in urgent need to go to Mount Alvernia, would it not be perhaps the case, Mr Speaker, that this particular 36 people may need an increase of home help by the Government in this particular case, by the Social Services Agency and, therefore, will that not be looked into by yourself and the Care Agency?

630 **Hon. Miss S J Sacramento:** Absolutely, Mr Speaker, which is why, as I said last month, the Care Agency, which has inherited a list of 400 people in need of domiciliary care, is undertaking an assessment of everyone on the list so that we know what domiciliary care needs to be provided. In fact, Mr Speaker, there are some people who have been offered domiciliary care but have rejected this.

635 **Hon. J J Netto:** Mr Speaker, this review that the hon. Lady talks about, can she indicate how long will the review take place because, obviously, we are dealing here with individuals who are in urgent need to be assisted into Mount Alvernia, and they have no help from the Care Agency. These are individuals that are only being assisted by the family, so could she indicate to the family who are providing the help to these particular persons how long will the Government take to do this review.

640 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately these are people who have needed this help urgently for years and years (*Applause and banging*) and it is now that the new Government has taken office that these people have been given priority. They are being assessed by the staff at the Elderly Care Agency, as well as being assessed by the occupational therapist because, if people are to be given domiciliary care at home, we are not only talking about the support by way of carers but we also need to look at the issue of any aids and appliances which they would require. But I have to reiterate that these people have been on the
645 waiting list for both Mount Alvernia and domiciliary care for years and years.

650 **Juveniles in need of specialised care
Practical steps being taken**

Clerk: Question 175, the Hon. J J Netto.

655 **Hon. J J Netto:** Mr Speaker, given that there are five juveniles who, in the opinion of senior management, would warrant further specialised care over and above the existing services being provided, as answered in Written Question 51/2012, will the Minister for Social Services say what practical steps are being taken to meet such needs, if any?

660 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are two levels of specialist care which are currently being explored, the first one being the infrequent, but nonetheless necessary, provision which would enable the restriction of liberty of a young person in specific circumstances. This is the provision of secure accommodation, which is the restriction of a child's liberty, which is provided
665 for in UK legislation but which was omitted in the local legislation, when the Children Act was passed.

As such, this has led to a deficit in how Gibraltar can manage children who, for a time, may require their liberty to be restricted. We have already begun the process of exploring how this deficit in legislation will be addressed and how we may begin the process for planning for such a resource. However, as a direct result of the deficit in the current legislation and associated resources, the children's residential services have been
670 faced with managing some very difficult and serious violent behaviours within the current service provision. We have, therefore, swiftly commissioned an expert from the UK to work alongside care workers for 28 days, as well as providing enhanced training for a dedicated group of care staff and working closely with other agencies.

675 Multi adaptations of a flat have taken place so as to optimise both the children's and the care staff's safety. We have also identified an expert child psychiatrist from the UK and are in the process of commissioning an assessment which we hope will offer opinion and guidance regarding future care planning.

680 On the second matter of specialist provision – that of a challenging behaviour unit – the hon. Member will, of course, be aware of the need for this resource because it is something that has clearly been identified for a number of years. As a result of the actions which have been taken by this Government, we now have a group of 16 level 2 staff, trained and experienced care staff in regard to managing challenging behaviour. We have also explored venues for such a unit and are considering possibilities in this regard. One of the five adolescents identified in the answer to Question 51/2012 now has firm arrangements in place to attend a UK specialist provision which will commence shortly.

685 **Hon. J J Netto:** If I understood, Mr Speaker, the hon. Lady correctly, what she seems to be saying is that, in the short term, she is adapting certain flats – perhaps I am making an assumption here on my part – to be able to segregate those particular children with severe challenging behaviour from the mainstream facilities in Tangier View. That perhaps may be the short-term measure that she seems to be taking. If not, I will be glad if she can correct me, but, in the longer term, she is looking for a particular site, a particular building, to have these particular youngsters, and perhaps, if successful, even bringing some of the ones we have got in the UK back to Gibraltar, which would be in the best interests of everyone. (*Interjection*)

690 But when she talks about adapting flats in the short-term, is she talking about the flats that we have in Tangier View or flats out there in the community?

695 **Hon. Miss S J Sacramento:** It is a combination of both, Mr Speaker.

Hon. J J Netto: So, if the hon. Lady is saying that, depending on the circumstances of each individual child, either that person with severe challenging behaviour will be given the service in Tangier View albeit with the staff who have been training, but perhaps there will be other children – perhaps the older ones – who will be out in the community. Is that the case?

700 **Hon. Miss S J Sacramento:** Perhaps, Mr Speaker, it may be the same child, depending on the level of behaviour or misbehaviour at the time.

705 **Hon. D A Feetham:** Can I ask the hon. Lady, what does she mean by ‘secure accommodation’?

My understanding of secure accommodation is, in fact, an alternative to prison. For example, just to illustrate my point, Thompson and Venables, who are the killers of Jamie Bulger, because they were under age, they were not sent to prison, they were sent to secure accommodation. Is it the intention of the Government to build that type of facility in order to prevent juveniles from being sent to prison and being placed in secure accommodation?

710 **Hon. Miss S J Sacramento:** No, Mr Speaker. The intention of Government is to enable to extend powers to be able to secure children in alternative accommodation so that they are not necessarily in the same environment as other children who are not exhibiting the same levels of challenging behaviour and giving us some powers to be able to restrict liberty, but certainly not an alternative to prison.

715 **Hon. D A Feetham:** So, at the present moment, the Government has no plans to actually build any type of alternative facility, and we would continue with the situation, for which the Government of the day – my Government – was severely criticised by the party opposite when they were in Opposition, for allowing a situation whereby a juvenile is sent to prison, rather than to a secure accommodation?

720 **Hon. Miss S J Sacramento:** Mr Speaker, my response was in relation to a question which was posed to me with regard to challenging behaviour, and not criminal behaviour of juveniles. My response, accordingly, is in relation to how we will accommodate children who have challenging behaviour.

725 My response is not in relation to children who are subject to criminal proceedings. It is a different question and a different answer, Mr Speaker. I think I have answered the question that was asked of me. The hon. Member opposite has asked a completely different question, which did not form part of the original question.

730 **Hon. D A Feetham:** I will ask it in the future, but is she aware that, in fact, the particular section that we took out – or I took out – of the Children Act in relation to secure accommodation... that secure accommodation, in the sense of that used in that particular section which exists in the UK Children Act, is

secure accommodation that is used not only in relation to children with challenging behaviour, when they have got to be placed there because that is the only way, in fact, from memory, that... The thrust of the section is that they can only be kept in secure accommodation if the juvenile is going to abscond.

735

That is the reason why they are – ‘placed in secure accommodation’ – or that is part of the test under the section of the UK equivalent of the Children Act. But, in fact, the children are placed in exactly the same secure accommodation. The secure accommodation is the same for those types of challenging behaviour and also in terms of juveniles who are not sent to prison but placed in that type of secure accommodation.

740

So, is the Government’s position, therefore, that they intend to reinvent the wheel and to go down a completely different route to the route that is currently the position in the UK?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Member opposite is simply confusing the matter.

745

The hon. Member opposite is referring to section 25 of the Children Act 1989 in the UK and I am perfectly aware of what it says. That is the section which I understand was initially included in the Children Act in Gibraltar and was taken out.

As he rightly says, that is the section that would give us the power to provide to both be able to restrict the liberty of children who exhibit challenging behaviour and would also (*Interjection*) give us the power to provide for secure accommodation in criminal matters, which he was alluding to. I agree with what he has said. What I am saying is that that is not the question that was asked of me, Mr Speaker. (*Interjection*)

750

In any event, as he said that he may ask it in the next Parliament, he is of course welcome to put that question to me in the next parliament.

Hon. D A Feetham: I am not trying to be controversial here, I am not trying to catch the hon. Lady out in any way, shape or form. I am just trying to get to the bottom of the answer that she has given.

755

She gave an answer to my hon. Friend, Mr Netto, saying that the Government was looking into providing secure accommodation for children with challenging behaviour in the circumstances where the same power exists in the UK Children Act, which she has correctly identified as section 25 of the UK Children Act.

What I am saying is that, in fact, the same secure accommodation that is used in the UK for challenging-behaviour children is the same secure accommodation that is used as an alternative to prison. What I am asking the hon. Lady again is: is that the intention, or is the Government going to do something completely different in terms of secure accommodation? That is it.

760

Hon. G H Licudi: Mr Speaker, the answer to this supplementary is contained in the *original* answer that was given.

765

There was a reference made to what is provided in the UK, and what the hon. Lady said is that we are in the process of exploring how this deficit in legislation can be remedied. The hon. Lady has referred to the particular section in the UK and that is something that is being looked at. It does not necessarily mean that we will replicate it word for word, but we are looking at it to see whether it can be adapted or used as a model for what we want to do in Gibraltar.

770

I acknowledge what the hon. Member has said opposite and we will take those matters into account, but there is a need. We have identified, as a Government and as a matter of policy, that there is a need to introduce something to provide for this sort of legislation. We are currently considering what the legislation is in the UK and how it can be adapted or adopted for Gibraltar. The process is being considered for the purposes of enacting at some point in the future.

775

Hon. D A Feetham: I am going to end the matter here because I do not want to push him, but does he not recognise the reality of the situation is that it is not a question of deficit of legislation? It is a question of deficit of resources.

780

If it were just simply a question of deficit of legislation, I would have left the section in. The reason why I took the section out was that this would have required, if it is to be used... If you are going to provide a secure accommodation in the sense of the UK, which is secure accommodation for children with challenging behaviour in circumstances where the authority is preventing them from absconding, and also in relation to as an alternative to prison, that is a massive expense for the Government. We took it out and what I asked the hon. Lady was: is the Government’s policy to do that or to go down a different route? That is not a question of legislation; it is a question of resources.

785

790 **Hon. G H Licudi:** Mr Speaker, the hon. Member is arguing at cross purposes to what his hon. Colleague argued earlier in response to... in a supplementary to a question that I answered, where the hon. Member specifically said and asked me, are we looking at legislation, an amendment to the Children Act, to provide for secure accommodation, and that was on the basis that the hon. Member, Mr Netto, recognised that that course of action *needed* legislation.

Now the hon. Member says, 'No, that legislation is not needed –

795 **Hon. D A Feetham:** No, I asked –

Hon. G H Licudi: – it is a question of resources.'

Hon. D A Feetham: With respect... May he give way?

800 **Hon. G H Licudi:** Yes.

805 **Hon. D A Feetham:** With respect, I am not saying that the legislative amendment would not need to be made. What I am saying... (*Interjection*) No, what I am saying is that first you deal with the issue of resources and then with the question of the legislative amendment, and that we took it out because we did not have the resources here in Gibraltar to actually do it, and what I am asking is: is the Government proposing, or exploring, to go down the UK route of providing secure accommodation for both people with challenging behaviour and also as an alternative to prison; or are they going down a different route? Because my understanding of the answer to the question from the hon. Lady was that, in fact, the plans were fairly well advanced and they were looking at alternatives.

810 That is all.

815 **Hon. G H Licudi:** Yes, Mr Speaker, the alternatives that are being looked at are in relation to challenging behaviour. That is the debate, or questions and answers, that we had earlier in relation to children with challenging behaviour, and what we have recognised is exactly the same point that the Hon. Mr Netto recognised when he rightly asked me a supplementary as to whether we were looking at the possibility of changing the Children Act, because I did refer, in my answer earlier, to the need for secure accommodation.

820 What I said earlier is that, in relation to children with severe challenging behaviour that have to be taken out of the environment that they are currently in, there is a need to identify a site, which we have already done, to turn that, if necessary, into a secure unit and to have the necessary legislation in place in order to do that.

That is all we are proposing. We are not proposing anything else. It was certainly good enough as an answer to the Hon. Mr Netto. I cannot see what the issue is any more.

825 If the question is, is the Government prepared to allocate the necessary resources? The answer is obviously, yes! It is a manifesto commitment. It is a manifesto commitment to create this unit – a dedicated facility to deal with children with [*inaudible*] challenging behaviour. We have identified the site. There is a need for work to be done on that site, and there is probably a need, as my hon. Colleague has identified, to make an amendment to the Children Act.

830 That is the route that we are proposing, as a matter of policy and, to the extent that resources are necessary, resources will be put in.

Hon. D A Feetham: That is precisely what I understood the hon. Lady to say.

835 Now, my question, which I am still none the wiser as to what the answer is, is whether the Government intends to use that secure unit that the Government has now identified and the plans are quite advanced, in relation to children with challenging behaviour, to extend that facility, in relation to children who may be guilty of a criminal offence, as an alternative prison – which is the position in the United Kingdom. That is all.

840 **Hon. G H Licudi:** Mr Speaker, the fact that something is in position in the United Kingdom, does not necessarily mean that it has to be replicated here.

Hon. D A Feetham: I accept that!

Hon. G H Licudi: The provision that the hon. Member refers to would give the Government the power to go down that route.

845 The Government has not made a policy decision to go down that route; it has made a policy decision to identify a site and to turn it into a dedicated unit for children with challenging behaviour. That provision will give us the power to do that. If it gives us wider powers, then the use of those wider powers would have to be considered in due course. But they are not certainly part of the Government's policy at this stage.

850 **Hon. D A Feetham:** Thank you very much! That was not too difficult. That is my answer!

Clerk: Question 1 –

Mr Speaker: I call on the Hon. Jaime Netto.

855 **Hon. J J Netto:** Can I ask a further supplementary question to the hon. Lady?

860 In relation to this group of looked-after children with severe challenging behaviour, are any of them the ones that are perhaps waiting for a placement for the Vocational Training Scheme or any other training scheme? Is she aware whether *any* of these particular groups are related to my previous question in relation to waiting for a training placement?

Hon. Miss S J Sacramento: Mr Speaker, I do not have the information, but I know that because some of those identifying the challenging behaviour are under the age of 15, then the issue does not arise in respect of them.

865

Residents' lift at Mount Alvernia Arrangements for repair

870 **Clerk:** Question 176, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the residents' lift at Mount Alvernia has been broken, and if so, when is it envisaged that repairs will be carried out?

875 **Clerk:** Answer the Hon. the Minister for Equality and Social Services.

880 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the residents' lift at Mount Alvernia broke on Saturday, 4th February. It was identified that a part needed replacing. The part was ordered and repairs were effected and the lift was working by Friday, 10th February – not even a week after it broke down.

It must also be noted, Mr Speaker that, during this time, there were two other passenger lifts operational at Mount Alvernia.

885 **Hon. J J Netto:** I am grateful – despite the tone of her answer.

HOUSING AND THE ELDERLY

Shower units for the elderly How many to be installed over three months

Clerk: Question 177, the Hon. J J Netto.

895 **Hon. J J Netto:** Mr Speaker, of the 66 elderly persons awaiting the installation of a shower unit, as answered in Written Question 52/2012, can the Minister for Housing say how many such installations it is

envisaged will take place over the next three months?

900 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker. It is envisaged that all installations will take place over the next three months.

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

**Government housing waiting list
Breakdown of allocation requirements**

910 **Clerk:** Question 178, the Hon. E J Reyes.

915 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants are on the Government's housing waiting lists, as up to date as possible, giving a breakdown of the housing allocation requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

920 **Minister for Housing and the Elderly (Hon. C A Bruzon):** A total of 1,507 applicants are on the various housing waiting lists as follows: 1RKB – 1,123; the 2RKB – 86; the 3RKB – 171; the 4RKB – 106; the 5RKB – 17; and the 6RKB – 4; making a total of 1,507.

ANSWER

THE HON THE MINISTER FOR HOUSING AND THE ELDERLY

Mr Speaker,

A total number of 1507 applicants are on the Housing Waiting Lists, as follows:

		<u>Pre-list</u>			<u>TOTALS</u>
1RKB	-	748	375	=	1123
2RKB	-	52	34	=	86
3RKB	-	97	74	=	171
4RKB	-	69	37	=	106
5RKB	-	7	10	=	17
6RKB	-	2	2	=	4
TOTALS		975	532	=	1507

925 **Hon. E J Reyes:** Thank you for that, Mr Speaker. So, given that there has been a increase of almost 50% from last time, is the Government now in a position to say what extra housing units it intends to build during its current term of office?

930 **Hon. C A Bruzon:** I think it is only fair to explain to the hon. Member that the way the previous question was phrased last month, the information he got was for people on the housing waiting list proper. The totals that I have given him include everyone on the pre-list as well. That is why the figure is substantially bigger.

Hon. E J Reyes: Okay, Mr Speaker, I accept that, but can the Hon. Minister explain to me when it is – I think he has a commitment to do away with the pre-list – that these pre-lists will disappear, so that then there is no misunderstanding, we just talk about one general housing list?

935 **Hon. C A Bruzon:** There is, indeed, a manifesto commitment to eliminate the pre-list, but we have not given an exact date as to when this will be achieved. We are in discussion with a computer expert to help us to merge the two in the fairest possible way. I cannot give him a date but it is a commitment for this term in office.

940 **Hon. E J Reyes:** Thank you for that, Mr Speaker.
So then, as well, those who are on the pre-list who would eventually be... those will form part and parcel of those to whom this Government is committed to re-house within the term of office?

945 **Hon. C A Bruzon:** The manifesto commitment, as from 9th December, includes: everybody on the pre-list on that day and everybody on the housing waiting list proper. All those applicants, as from 9th December, will be housed before the four-year term is over. That is the aim, and we will give it our best shot.

950 **Homeless persons**
Number of applications for housing

Clerk: Question 179, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applications for housing from homeless persons are currently being dealt with by his Ministry?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

960 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker.
The Ministry for Housing is currently dealing with 25 applications from homeless persons.

965 **Housing Allocation Committee**
Number of meetings since Question 64/2012

Clerk: Question 180, the Hon. E J Reyes.

970 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since the answer provided to Question 64/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

975 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the Housing Allocation Committee has met four times since the answer provided to Question 64/2012.

980 **Housing Allocation Committee and others**
Number of homes allocated

Clerk: Question 181, the Hon. E J Reyes.

985 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many homes have been allocated since his answer to Question 65/2012, indicating whether these homes have been allocated by the Housing Allocation Committee or by any other authority, and if so, by which authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

990 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, since the answer given to Question 65/2012, a total of 36 homes have been allocated by the Housing Allocation Committee – more accurately I should say, on the advice of the Housing Allocation Committee, because it is the Housing Authority which, in fact, assigns these allocations.

995 May I also add that, as from today, there are 40 further allocations being offered to tenants – 40 – which we are awaiting an inspection and, hopefully, the approval of the applicants, insofar as they will accept these offers.

Hon. E J Reyes: Mr Speaker, just to be clear, forty – 40 – that have been offered, and now you are waiting to see whether those applicants wish to accept those homes?

1000 **Hon. C A Bruzon:** Yes, over and above the 36 homes that have been actually allocated and accepted by tenants, as we speak, there are also 40 allocations which we have offered to applicants but, of course, they have to accept or reject the offer.

I hope there will not be any rejections.

1005

**Housing Works Agency
Number of tenants requiring work to be done**

1010 **Clerk:** Question 182, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many tenants are currently listed as requiring works to be done in their homes?

1015 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will answer this question together with Question 183.

1020

**Housing Works Agency
Number of required repairs listed**

1025 **Clerk:** Question 183.

Hon. E J Reyes: Yes, Mr Speaker, can the Minister for Housing state how many jobs are currently listed as still requiring the attention of the Housing Agency?

1030 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): The number of tenants currently listed as requiring works to be done in their homes is 616.

1035 The number of jobs currently listed as still requiring the attention of the Housing Works Agency is 903.

Hon. E J Reyes: Nine zero three, sorry?

Hon. C A Bruzon: Nine oh three – 903.

1040

**Housing Works Agency
Repair work contracted out**

1045

Clerk: Question 184, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many jobs have been contracted out, and to which companies, by the Housing Agency since 9th December 2011?

1050

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the number of jobs contracted out by the Housing Works Agency since 9th December 2011 is five, as follows – I will give you the name of the company and the number of jobs:

1055

Gemini Riteway Scaffolding Ltd – two; Skybridge Ltd – two; Wastage Products Ltd – one.

1060

**Gibraltarians living in Spain
Special housing list applications**

Clerk: Question 185, the Hon. E J Reyes.

1065

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate when the separate housing list for applicants currently living in Spain wishing to return home will be introduced and what the eligibility criteria for these applicants will be?

1070

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, as the hon. Gentleman may be aware, in the time whilst they were in administration, applicants for Government rentals living in Spain have required a local address for mailing purposes. This was agreed by the Housing Allocation Committee during their time in office and this, therefore, already exists within the waiting lists.

1075

In addition, the eligibility criteria are the same as already apply for those wishing to apply for Government housing.

Separately, and in order to give effect to our specific manifesto commitment, a separate list will be established to provide for applicants currently living in Spain. The specific criteria for this list – or lists, as there is a possibility that there may be more than one list – will be published in the coming months.

1080

**Co-ownership housing estates
Discussions re increasing service charges**

1085

Clerk: Question 186, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state if he has now held discussions with management companies of co-ownership housing estates, in order to address the issue of increasing service charges?

1090

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, no, I have not yet met with any management companies of co-ownership housing estates. I am in the process of fixing meetings for this purpose, with me and with the Chief Minister. A number of estates have already been allocated dates for such meetings.

1095

1100 **Hon. E J Reyes:** Mr Speaker, just to clarify, the meetings will be held with the estates that are co-ownership – what happens to those where there is no co-ownership but rather, as from day one, they have been purchased the full 100% by the owners, therefore there is no Government share in it? Will he also be looking into the increased service charges for those people or will they be treated in a different manner?

1105 **Hon. C A Bruzon:** To be honest with you, Mr Speaker, I do not have that information. However, I will try to find out for him and maybe he can ask me the question in that format next time, if it is okay with you.
Thank you.

1110 **TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES**

**Parking facilities
Preliminary assessment**

1115 **Clerk:** Question 187, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services provide details of the preliminary assessment of parking facilities which the Government is conducting in Gibraltar?

1120 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, at present all the data relating to parking facilities emerging from the public consultation process is being collated and will then be analysed.

1125 The Government has chosen to wait to digest all the public feedback from what was described by the previous administration as a pilot scheme – that is, the North District – before commencing a more thorough assessment of the parking facilities.

1130 In the interim, the Technical Services Department and Gibraltar Car Parks Ltd will be assessing the various districts around Gibraltar to identify areas for the possible creation of more parking spaces. The potential use of some existing tunnels, including air raid protection shelters, is also being considered.

Hon. D J Bossino: Does this form part of the major traffic review, or is it something different? Can the Minister clarify that?

1135 **Hon. P J Balban:** Although this is part of the parking part of the Traffic Plan, it is all part of the same review.

1140 **District Parking Scheme
Possible extension to other areas**

Clerk: Question 188, the Hon. D J Bossino.

1145 **Hon. D J Bossino:** Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services inform the House whether a decision has been taken to extend the District Parking Scheme to areas in Gibraltar other than that which is covered in the North District Parking Scheme?

1150 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, a decision has not yet been taken on whether to extend the District Parking Scheme to areas in Gibraltar beyond

that which is currently covered by the North District Parking Scheme.

1155 The Government will not take any decision on this Scheme without fully assessing and carefully considering the feedback received from the public consultation exercise.

1160 **Hon. D J Bossino:** Given that, as I understand it, the public consultation exercise closed on 30th January, and given also that this is a matter which is receiving some public interest – there have been letters in the *Chronicle*, in relation to specifically the South District Parking Scheme – can the Minister be more precise as to when he feels he will be in a position to make an announcement in relation to this?

Hon. P J Balban: Mr Speaker, at the moment, it would be impossible to actually give a date. The first part of the actual Scheme, which is the public consultation exercise, has now been completed, and obviously now we are actually, as I said, collating and analysing the data, following which we will be consulting other interested members of the community.

1165 **Hon. D J Bossino:** Is he able to give some information in relation to the data which has already been received?

1170 **Hon. P J Balban:** Mr Speaker, the data is actually being collated by members of staff. They are actually preparing a summary spreadsheet of all the findings and, once that is finished – which I hope they will be finishing shortly – that will be handed back to me and then I will be in a position to be able to give more specific details of the outcome.

1175 **Hon. D J Bossino:** So the Minister has not seen the data as yet.

Hon. P J Balban: Mr Speaker, I have seen parts of the data. As the feedback has been coming in, I have actually been reading bits of the comments but, obviously, I have not read the whole, all the data, as there is quite a lot of submissions that have come through – impossible to read them all.

1180 **Hon. D J Bossino:** Can the Minister commit now to making the data received, and information gleaned from the data, public?

1185 **Hon. P J Balban:** Once the data comes back and a decision is taken as to what will happen with the data, then we will take a... we will actually move on with actual suggestions for the Parking Plan.

1190 **Consultation process re Traffic Plan
Interested parties**

Clerk: Question 189, the Hon. D J Bossino.

1195 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide details of the interested parties which are involved in the consultation process relating to the Traffic Plan and, of those interested parties, which were identified by the Government for consultation?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1200 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the consultation process has started with a public consultation exercise requesting input from the general public, who are therefore the first and, arguably, the most important, interested party.

1205 This input will be considered together with the feedback which Government will receive from other parties, all of whom have an interest in the way traffic is managed locally. These parties will include, but not be limited to, those who depend on the reliability of our road network as a core part of their business. None of the interested parties that participated in response to the press release issued were identified by the Government for consultation. Among those submitting feedback were environmental NGOs, local disability

groups and tenants' associations.

1210 **Hon. D J Bossino:** This was the subject of quite a few questions from this side of the House on the last occasion, if the Minister will recall, and as I understood the answer from the Government – in particular the Hon. the Chief Minister – he, in fact, said that there *were* people that had been identified by the Government and those interested parties would be consulted by the Government.

1215 **Hon. P J Balban:** At present, the actual feedback that came through, the Government had not identified these parties. It was completely left open to the general public. In the next stage of the process, the Government now will get in contact with other interested parties.

1220 **Hon. D J Bossino:** In the press statement, what the Government was referring to by 'interested parties' was simply the general public, which is, in fact, the answer I was offering to him on the last occasion and he was not willing to accept.

1225 **Hon. P J Balban:** That was what we concluded last time, that 'interested parties' at that moment was the general public, yes.

Hon. S M Figueras: Mr Speaker, having moved rather precipitously to this Question, I did not have the opportunity to ask the supplementary, but I think it is still relevant in any event, given that we are still looking at the consultation and the data that has been received.

1230 Can the Minister confirm, by virtue of the fact that he referred to a spreadsheet and the fact that the data was being collated in a spreadsheet, it seems to imply, certainly to me, that the data has been received, involves figures and the kind of information that *can* be collated in that way. Is the Minister in a position today to identify for the House any trends or specific patterns that they are seeing in the information that they are receiving at this stage?

1235 **Hon. P J Balban:** No, I am afraid not. The actual referral to the spreadsheet... I know with 'spreadsheet' you would assume a numerical, arithmetic-type spreadsheet; it is actually, really a spreadsheet of all the salient points, a summary of all the comments made by the public, not figures.

1240

**Traffic Commission
Dates of meetings since General Election**

1245 **Clerk:** Question 190, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health and Safety and Technical Services provide the dates of the meetings held by the Traffic Commission since the last General Election, together with a list of all applications currently pending the Commission's determination.

1250 **Clerk:** Answer: the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, there have been no meetings of the Traffic Commission since the General Election. The Commission is currently being reconstituted.

1255 There are currently 67 applications pending the Commission's determination. The information requested by the hon. Member is contained in the schedule which I now hand over to him. [*See next page*]

1260 **Hon. D J Bossino:** I am sure the Minister with responsibility for traffic is aware of the statutory duties of the Traffic Commission, and one of them is to advise the Government on matters affecting traffic on the roads.

In the midst of a major review of existing traffic arrangements, in the midst of a parking assessment and when the Government is poised to take a decision in relation to the district's parking schemes, does he not

think it is a very sad and sorry state of affairs that, almost three months into the life of this new Government, the Traffic Commission has not only not met but does not seem to have been constituted as yet?

1265

Hon. P J Balban: Mr Speaker, the Traffic Commission presently has now been constituted and letters have actually been sent and members have been consulted for their agreement. In fact, we already have a date set for the first Traffic Commission, which is on Friday, 2nd March 2012.

Answer to Question 190

Below is a breakdown of pending applications for the Traffic Commission to consider:

Traffic Calming Measures	8
Traffic flow issues	2
Parking issues	19
Parking Bays	4
Disability Bay issues	6
Zebra/Pedestrian Crossings	4
Road Markings/Signage	9
Bollards	5
Miscellaneous Items	10

1270

Hon. S M Figueras: Mr Speaker, of the zebra/pedestrian crossings listed in the schedule, numbering four, is the Minister able to clarify which crossings these are, or which areas in Gibraltar these relate to?

1275

Hon. P J Balban: The information on the actual sheet I handed over to the hon. Gentleman is just a summary of them. I will not be able to actually specify which crossings they were. I could always provide that information, but it is not possible at the moment.

Hon. S M Figueras: So, Mr Speaker, can the hon. Member confirm whether these pedestrian crossings are crossings which are pending installation or pending application?

1280

Hon. P J Balban: Yes, that is right. There are a few zebra crossings which are pending the Traffic Commission to advise the Minister on.

1285

Hon. S M Figueras: Mr Speaker, I am grateful for the answer. I only wanted to clarify whether the two pedestrian crossings which have been added at Bishop Caruana Road, which I think were... It is certainly something that I personally welcome... whether those two crossings were something that were contemplated by the Commission or whether there was an initiative of the Government to install those.

1290

Hon. P J Balban: The Traffic Commission, as you are aware, is an advisory body which actually advises the Government, advises the Minister.

Sometimes we see there is a specific case in question where there is urgency and the action is a real, legitimate need for a zebra crossing in that place, and obviously that is done. There could be other instances whereby advice is sought because there is a discrepancy as to whether it is really... the place in question, whether it is suitable or not, or even advisable or not.

1295

Hon. S M Figueras: Mr Speaker, I am grateful for that. I merely wanted clarification on whether these were another four pending crossings.

1300

**Health and Safety professionals in Government
Grades, qualifications and training**

Clerk: Question 191, the Hon. J J Netto.

1305 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say the total number of factory inspectors employed, the number of Health and Safety representatives employed in various Government Departments, authorities and agencies, their grades, qualifications on Health and Safety, and whether any of them are currently undergoing any training or courses leading to a Health and Safety qualification?

1310 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, Government employs two factory inspectors. Both have an International Diploma in Risk and Safety Management as qualifications. Currently, they are undertaking no further courses.

1315 There is a need to clarify between the term Health and Safety 'representative' and Health and Safety 'adviser' or 'officer'. Health and Safety representatives are nominated by the staff side, the trade unions, similar to how they nominate their shop stewards. On most occasions, they are the same person. The employer – in this case Government or its agencies – would employ Health and Safety advisers or officers. As to how many Health and Safety representatives are in Government or their agencies, the question should be posed to the trade unions, as they would be in a better position to provide a figure as an answer.

1320 The information requested by the hon. Member is contained in the schedule, which I now hand over to him.

Answer to Questions 191 of 2012

Department	Grade	Nos.	Qualifications
TSD	HPTO	1	NEBOSH Certificate (in Construction) NEBOSH DIP Parts 1 & 2 Occupational Health & Safety
Housing Works Agency	PTO	1	NEBOSH Certificate Occupational Health & Safety
Environmental Agency	SEHO	1	CIEH Approved
Factories Inspectorate	Factories Inspector	2	International Diploma in Risk & Safety Management
CFB	Firefighter	1	MSC Occupational Health & Safety Management CMIOSH AIEMA
Customs	AO	1	NEBOSH (Health & Safety Practitioner) NEBOSH (Occupational Health & Safety)
Sports Authority	Deputy CEO	1	Certificate (Health & Safety in the Workplace)

1325 **Hon. J J Netto:** Mr Speaker, is it the intention of the new Government, and in particular the new Minister for Health and Safety, to develop more Health and Safety advisers throughout Government Departments, Authorities and Agencies... to the one contained in the schedule?

Hon. P J Balban: At the moment, that is not the intention, no.

1330 **Hon. J J Netto:** Mr Speaker, the reason why I ask this question... because, obviously, I can see, in relation to the column on Departments, that there is one in the Technical Services Department, there is one in the Housing Works Agency and another one in the Environmental Agency, leaving aside the factory

inspector, the Fire Brigade, Customs and the Sports Authority, but it seems to me just at a glance and looking at the schedule, that perhaps one of the most important places of the Government has not got a Health and Safety adviser, which would be the Health Authority.

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The reason why I say this is because the Health Authority is perhaps the largest employer within the public sector, and not by necessarily being the biggest employer by the number of people employed. By the multiplicity of functions and diversity of functions that the Health Authority has – laboratories, x-rays etc – I would have thought that perhaps that is a likely area within the Government to develop at least one person to be dedicated in that particular area.

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So my question really is that, given that there is not any particular Health and Safety adviser for the Health Authority, which is the largest single employer within the public sector, and given the diversity of function, would not the Government consider perhaps that it is necessary to support, obviously, the senior management with a dedicated officer dealing with Health and Safety at the GHA?

1345

Hon. Dr J E Cortes: Mr Speaker, at the moment we are conducting a number of different reviews of the manning of the Health Authority, and that is an aspect that we are considering in all the other things that we are doing.

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Hon. J J Netto: So, obviously, do I take it, then, that it is in hand, in terms of whether there is a need or whether in the future the Health Authority will decide to employ a Health and Safety adviser?

Hon. Dr J E Cortes: We are currently looking into all sorts of areas, including the aspect of Health and Safety.

1355

Previous Written Questions re Factory Inspectorate Statistical information

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Clerk: Question 192, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety now in a position to answer the Written Questions submitted last month, namely numbers W5/2012, W6/2012, W7/2012, W8/2012, W9/2012, W11/2012 and W12/2012?

1365

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Factories Inspectorate is in the procurement stage of acquiring a new computer software programme that would fulfil their statistical requirements.

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Before commissioning the software programme, this would need to undergo a trial period to ensure that the Inspectorate is content with the statistical data produced.

Due to the above-mentioned reasons, it would be premature at this stage to provide you with a definite date as to the availability of the statistical information requested, but rest assured that we are working on this information being made available as soon as possible.

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Hon. J J Netto: Mr Speaker, the reason why I pose this particular question in an oral form, as opposed to a written form, is because the last time round, when I actually posed it in written form, he neither gave me an indication as to the particular day...

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I then followed, in a personal letter, which I wrote to the Hon. Minister on 25th January, basically saying, 'Well, can you give me the information as to the likely timetable available?'

I know the Chief Minister is not, at the moment, in this Chamber, but given that the Chief Minister has stated that it is the policy of the new Government that they at least acknowledge letters within I think it is 14 days and then give a substantive answer in 21 days, is the Minister saying that he will not acknowledge letters from Members of the Opposition, or whether he is in a rebellious state against the Chief Minister and undermining his authority?

1385

A Member: For goodness' sake!

1390 **Hon. P J Balban:** Mr Speaker, I am not aware... I have actually got a copy...
Sorry, you were saying that I had not replied to your letter dated... (*Interjection*) Well, I have actually got a copy of the letter here which was sent –

Hon. J J Netto: Well, I have not received it.

1395 **Hon. P J Balban:** – and signed etc. I will have to check why you have not received it, but it was sent.

Hon. J J Netto: What date?

1400 **Hon. P J Balban:** On 7th February.

Hon. J J Netto: Mr Speaker, I certainly have not received the letter.

Mr Speaker: Well, blame it on the Post Office.

1405 **Hon. P J Balban:** I will chase it up for you, but it was sent on 7th February. I have got a copy of it here.

Hon. J J Netto: Mr Speaker, one more supplementary question.

1410 If I understood the Minister correctly, for some particular reason he is saying that there is a need for a new software programme to be purchased, and then, obviously, a trial period to be able to detect...

1415 Obviously, there must be some technical reason for that and I take his word for that, but for the purpose of facilitating answers, do I take it that, once the software programme is purchased and is running, that the collection of information is not necessarily a function, or most of it, that would be undertaken by the Factory Inspector? In other words, once we have a prescribed form to collect the information I am requesting, this is, more than anything an administrative function rather than a dedicated person who is a Factory Inspector actually collecting information, inputting the information and then analysing. In other words, were the Factory Inspector more often comes into the equation, is by the analysis once the information has been inputted. So my question is, is the new software programme, in terms of collecting the information, because some information is stored in various Government departments, authorities or agencies, whatever, that part of the equation will be undertaken by the administrative grades, which will then enhance the facilitation of information in this matter.

1420 **Hon. P J Balban:** At present, the actual Inspectorate, as inherited by the Government, consists of two individuals without any administrative support, so for the time being they will be the ones inputting the information.

1425 The reason for the fact that we do not have the computer software in place, which is something which surprised me when I took office, was that the actual licence agreement was terminated in June 2009 and, since that date, the computer programme has just not been available, so what we have done now is actually that they have a system whereby they have actually got a licence for, I think it is about a month, whereby they can check the programme, see whether it will do all the things that they need it to do, and then, if it is working as they want and provides the information they want, they can actually engage in a permanent licence. Otherwise, if not, they will have to seek an alternative software programme and repeat the process again.

1430 **Hon. J J Netto:** Mr Speaker, in the explanation that the Hon. Minister has given, where exactly are they right now, in the sense that have they identified a specific software programme that can analyse this particular information? Have they already obtained a particular supplier who can provide this, or is it that they are still waiting for that?

1440 **Hon. P J Balban:** Mr Speaker, they actually have a one-month programme on which the licence expires in a month's time and they are, at present, inputting the information to see whether it will do, and provide, all the statistical information that is required of it. So they are actually at the stage, at the moment, doing that. They have actually got this computer for a month and they are actually –

Hon. J J Netto: Mr Speaker, with respect, that was not my question.

1445 My question was that, given that there is a need, according to the Minister, to purchase a new software programme, where, at what stage, are they right now in terms of identifying the correct particular software programme? Is this a particular software programme that they can buy from the shelf or is it something that has to be tweaked for the particular necessities of the Factory Inspector? Where exactly are they in relation to that aspect? Are they still looking for a particular software programme or is it that one has to be written specifically for them?

1450 **Hon. P J Balban:** As I think I said, they already have the software programme. They actually have it on a trial basis for a period of one month before that licence expires automatically, and then they have to decide whether they are going to re-engage... satisfied with it, and then they will actually extend the licence. I do not know whether it is yearly or indefinitely. Otherwise, they will have to seek an alternative software programme. But, at the moment, they have the programme in their possession for a period of one month.

1455 **Hon. J J Netto:** So, following the trial period of a particular month, for them to be able to conclude whether this particular software programme is the one that is required, or they need, for the production of these particular sources of information, when does the Minister consider that sufficient time has elapsed beyond a trial period to be able to be in a position to provide the information for me?

1460 **Hon. P J Balban:** Once the trial period is over, the month, if they are satisfied, it is assumed they are satisfied with the programme in question, then they would actually purchase the licence and then they could start inputting the raw data to produce the information. As to how long that process will take, I have no idea at this present moment in time.

1465

**Factory Inspectorate
Number of inspections in January 2012 and details**

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Clerk: Question 193, the Hon. J J Netto.

1475 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state how many inspections during January 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible contravention has been incurred to the Factories Act or any subsidiary legislation by any company and whether legal advice is being sought from the Attorney General's Chambers?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1480 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, fourteen inspections were carried out during the requested period and all have been construction related.

1485 One inspection was found with serious contraventions of the Factories Act and a Prohibition Notice was served on the construction site until the contraventions identified were remedied. No advice has been sought from the Attorney General's Chambers.

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

1490

**Factory Inspectorate
Investigations of accidents at work in January**

Clerk: Question 194, the Hon. J J Netto.

1495 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if any investigations of accidents at work have been carried out in January 2012 by the Factories Inspectors, showing the industry group

involved and whether any such investigation may lead to prosecution?

1500 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, no accident investigation has been carried out during the requested period.

1505

**Accidents at work
Details for January 2012**

1510 **Clerk:** Question 195, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents at work during January 2012, showing the industry group and showing which ones were major, reportable or fatal?

1515 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 196 and 197 of 2012.

1520

**Accidents at work
Statistical analysis for January 2012**

1525 **Clerk:** Question 196.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide a statistical analysis of the reported accidents during January 2012, showing the number of accidents which occurred by age and sex distribution, type and cause and industry group?

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**Accidents at work
Loss of working days in 2012**

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Clerk: Question 197.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if there has been any loss of working days through accidents at work during 2012, broken down by industry group and cost?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

1545 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is premature to provide an answer to this question, as notifications of accident reports are still coming in. However, the computer software programme that details the statistical information requested is in its procurement stage, as stated in answer to Question 192.

1550

**EU Directives on Health and Safety
Need for seminars and provision of information**

1555 **Clerk:** Question 198, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, in relation to the two EU Directives on Health and Safety to be transposed, and for which there is draft legislation already, as answered in Written Question 13/2012, does the Minister for Health and Safety consider that, prior to enactment, there might be a need to provide seminars and sufficient information to the relevant industry groups and workers that may be affected by it?

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Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the transposed EU Directives entail minor amendments to the list of the schedule to the regulations and add new chemicals to the list and their occupational exposure limits. It also modifies the occupational exposure limits of other chemicals already on the list.

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In this case, a press release informing stakeholders would suffice. In view of the fact that these are minor amendments, the holding of seminars is not considered necessary.

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Hon. J J Netto: Mr Speaker, can the hon. Member say which industry groups, which employers and, perhaps, what type of worker will be affected by these two Directives?

Hon. P J Balban: Mr Speaker, I will have to actually find out specifically because that reply has not been supplied to me. But, as I say, it is a very limited group of individuals which will be affected by these chemicals.

1575

Hon. J J Netto: Mr Speaker, with respect to the Minister, I would have thought, given that notices have been given to him, at least he would have had a conversation with the professionals in the field to know exactly which workers and which employers and which companies would have been involved in the transposition of these Directives, which brings the whole question – my main question – back into the fore, which is, basically, if the Hon. Minister does not know which particular workers are going to be affected by this, surely he should then consider whether there is a need for information to be given to those particular workers in those particular companies? But, obviously, he does not seem to know

1580

Could I also ask, is the Minister being advised or assisted for the purpose of this transposition by any scientific or professional group, other than the law drafter?

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Hon. P J Balban: Could you repeat the question, please?

Hon. J J Netto: My second supplementary question was whether the Hon. Minister, for the purpose of transposing these two particular Directives, has he been assisted or advised by any local scientific or professional groups, for the purpose of transposing these Directives, other than, of course, the two law drafters?

1590

Hon. P J Balban: The transposition of the said Directives is actually done by EUID officers and they will make sure that all the necessary things are in place.

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Hon. J J Netto: Mr Speaker, the reason why I ask this is because I have taken the care myself of printing out the Directives and in relation to the Directive on the third list of indicative occupational exposure limit values, for instance, the actual people who wrote the Directive said, in little clause (2) down here:

1600

‘In carrying out these tasks, the Commission is assisted by the scientific committee on occupational exposure limits to chemical agents set up by the Commission Directive...’

– and it gives the number.

1605

So, basically, what I am asking is that, given that the people who drafted the Directive are supported,

assisted and advised by the relevant scientific and professional body, will the Minister not also require that he himself should be advised by the local people who are knowledgeable in this area, who may come from a scientific and professional background?

1610 **Hon. G H Licudi:** Mr Speaker, the hon. Member knows well the procedure in relation to transposition of EU Directives. These are matters that are handled by the EUID office. They advise the Ministers as to what is required. They will consider and assess what is necessary to transpose these Directives and will obtain the necessary support and advice that they need in order for the transposition to be effected. They will then be in a position to present the necessary advice to the Government as to what is required. That is the normal process and that is what will be required in this particular case.

Hon J J Netto: Mr Speaker, with respect to the Minister for Justice, what he has just said does not tally with what the Minister for Health and Safety said a while ago.

1620 The Minister for Health and Safety a while ago, in responding to my question, was saying this is a minor issue which does not require to give any information whatsoever, neither to the companies, nor to the workers, who may be involved by this.

The Minister also does not even know the people who are going to be affected by the transposition of this, so in my further supplementary question I am asking whether he has been advised by anyone at all, who may be affected by this particular Directive?

1625 So we have a situation where this has all been transposed with no information, no advice being given, either to the industry, to companies, to the unions, to the workers directly, *who* may require some training. So what I am basically saying is will the hon. Member not consider that before rushing into transposing these Directives, whether he will give it some thought to giving some advice, some information, perhaps in seminars, to all those various stakeholders who may be affected by the transposition of his Directive? That is what I am saying.

Hon. G H Licudi: Mr Speaker, the hon. Member has repeated the very first question that he asked and he was given an answer in the first place. The answer is as stated originally.

1635 **Hon. J J Netto:** Sorry, could you repeat that?

Hon. G H Licudi: The hon. Member in a supplementary has simply repeated the original question and he was given an original answer. The answer remains as originally stated by my hon. Colleague.

1640 **Hon. J J Netto:** Can I ask the Minister for Health and Safety who will be the Government authority – that is, the Department, authority or agency – that will sign the EU Declaration of Conformity, as prescribed in Annex 6 in order to ensure compliance under the Restricted Substances List in annex 2?

1645 **Hon. P J Balban:** Mr Speaker, that is not information that arises directly from the original question. Obviously, I will need notice of the question.

Hon. J J Netto: Mr Speaker, it does not arise, but if the hon. Member had printed out the Directives –

1650 **Hon. P J Balban:** Mr Speaker, yes, but –

Hon. J J Netto: – he would have given notice [*inaudible*].

Mr Speaker: Point of order. Point of order now.

1655 With respect, the hon. Member cannot tell the Minister what he should have done or should not have done. He has asked a question. He has been given the answer. Let us draw a conclusion and move on.

Hon. J J Netto: Well, Mr Speaker, but there is a point that I still want to ask first –

1660 **Mr Speaker:** Oh, you have further questions, then. What he should have done and printed it out and read it is another matter.

Hon. J J Netto: But my supplementary question, given the nature of the Directive, is that there will be a competent Government authority who will sign the Declaration of Conformity at local level – that is in the Gibraltar jurisdiction?

1665 The reason why I am asking this supplementary question is that because we are talking about hazardous substances, one would have thought that the local knowledge for knowing what the chemical value should be is not necessarily in the Health and Safety Department, but perhaps more on the Department of Environment where they have the element of people employed there, the professional people employed there with, the necessary scientific and professional background to be able to answer that.

1670 So my supplementary question is that, although it remains a Health and Safety matter, that the actual authority for signing conformity with these may not necessarily be signed with Health and Safety, but perhaps with the Department of Environment. So if that were to be the case, will it be the Department of Environment, as opposed to Technical Services Department, or his own Ministry?

1675 **Hon. G H Licudi:** Mr Speaker, again, that question does not arise from the original question, which was to do with providing seminars and information to industry groups. Now he wants to talk about the competent authority and whether it is one Department or another. We will need to have notice of that question.

1680 **Airport Terminal
Open for departures**

Clerk: Question 199, the Hon. D J Bossino.

1685 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House when the airport terminal will be opened for departures?

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

1690 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, if the hon. Member is referring to the new air terminal, then the answer is that we cannot (*Interjection*) provide a firm date.... Well, the question was ambiguous, but I am assuming that he *is* asking about the new air terminal and therefore I will answer it, to say that we cannot provide a firm date.

1695 Whatever our differences may have been in relation to the new air terminal, the position is that the new Government wants to see the terminal operating for both arrivals and departures as soon as possible, in order to be in a position where we are operating only one terminal and not two. We understand that the contractor anticipates handing over the terminal completely on 31st March of this year, if all the commissioned works are successfully completely by that date.

1700 The date provided to Government as the date when it is likely that all testing and training in relation to the testings will have been completed, and by when the terminal can operate *fully* for arrivals and for departures, is May.

1705 **Old St Bernard's Hospital site
Government plans**

Clerk: Question 200, the Hon. Mrs I M Ellul-Hammond.

1710 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Development and Planning explain what plans the Government has for the old St Bernard's Hospital site that was earmarked by the former GSD Government as a joint First and Middle School?

1715 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government is considering various options for the site and an announcement will be made once a decision is taken.

1720

**Full planning process
Timescale for submission of Government projects**

1725

Clerk: Question 201, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, will the Minister with responsibility for Planning confirm whether the Government is committed to a specific timescale in respect of the submission of Government projects to the full planning process?

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Clerk: Answer, the Hon. the Deputy Chief Minister.

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Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. This will follow stage one of the process where Government projects are submitted to the DPC for guidance and an opinion. The Government has not yet decided on a specific date by which a second stage will commence, given that there may be a need to take legislative changes into account.

1740

Hon. S M Figueras: Thank you... I am grateful, Mr Speaker. However, though, I will not press for a specific date, as I know it is impossible at this stage to provide us with that. Is there at least a sense of the period of time we are looking at before Government projects go through the full planning process?

Hon. Deputy Chief Minister: Mr Speaker, I would not like to commit to specific dates or to... Definitely, it will happen within this term of office, but I would not like to say exactly when.

1745

Hon. S M Figueras: Thank you, Mr Speaker.

I press on the issue only because I am certain that the environmental NGOs now represented in the DPC will have strong views in respect of a number of the projects due to be completed within the term of office.

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For the commitment to be effective, in my view, the subjection of projects to the planning process should occur sooner rather than later and, though you are committing to doing it within the term of office, you are not willing at this stage to give any further indication of the point during that term of office at which you will do that.

1755

Hon. Deputy Chief Minister: Mr Speaker, it is definitely something I would like to do. It is something which I would like to do sooner, rather than later. I can say that, but I cannot be more specific than that at this stage.

Hon. S M Figueras: Thank you, Mr Speaker.

1760

**Development and Planning Commission
Nature of Government projects to be submitted for guidance**

1765

Clerk: Question 202, the Hon. S M Figueras.

Hon. S M Figueras: Will the Minister with responsibility for Planning confirm the nature or definition of projects which will be submitted to the Development and Planning Commission for its opinion and guidance; whether it will publish the guidance obtained from the DPC; and, if so, whether the Government is committed to following such guidance as may be received from it?

1770

Clerk: Answer, the Hon. the Deputy Chief Minister.

1775 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, there is no definition of the word 'project' in the Town Planning Act. The Government, however, takes this to mean developments for which planning permission would ordinarily be required.

The guidance from the DPC will be delivered in public and online. This is a first stage. The opinion of the DPC will be for guidance only. In the second stage, it will be binding on the Government.

1780 **Hon. S M Figueras:** Oh, I am sorry, I did not quite catch the last bit.

Hon. Deputy Chief Minister: In the first stage, the opinion of the DPC will be for guidance only; and, in the second stage, it will be binding on the Government.

1785 **Hon. S M Figueras:** Mr Speaker, will this second stage of the first phase of the submission of projects to planning occur before projects are subjected to full planning process?

1790 **Hon. Deputy Chief Minister:** I can say that the first stage will start pretty soon. As soon as one of our projects comes up and it gets to the stage where it needs to go to the DPC, it will happen pretty quickly and then it will be for guidance only.

The second phase we are linking to the legislation – that is why it may take a little longer.

Hon. S M Figueras: Mr Speaker, can the Minister confirm whether projects are being submitted at least for the DPC's perusal at this stage, if there are any relevant projects?

1795 **Hon. Deputy Chief Minister:** At the moment we are continuing with many of the projects that we inherited from the previous administration. There are private individuals and companies coming forward with projects of their own.

1800 The first Government project has not actually reached the stage where it needs to go the DPC yet, but I am sure it will come.

1805 **Hon. S M Figueras:** Mr Speaker, I trust that the Hon. Minister will have no issue with me bringing this matter up on a regular basis until such time as it happens, as it is something that, though it is not the position of the previous administration, nor this Opposition, that Government projects should go to the DPC for their approval, it is indeed this Government's commitment and we will be seeking to ensure that this happens sooner rather than later.

I have no question and for that I apologise. *(Interjection and Laughter)*

1810 **Hon. Deputy Chief Minister:** I appreciate that our policies are different on this issue and, certainly, whenever the hon. Member has a question, he is free to raise the issue, we totally respect that. In any case, he is also welcome to come to me, to the DPC, and actually see the process working.

1815 **Development and Planning Commission**
Government commitment to further improving public access

Clerk: Question 203, the Hon. S M Figueras.

1820 **Hon. S M Figueras:** Mr Speaker, further to the first public meeting of the DPC, at which a number of applications which had been approved by sub-committee in private were passed, can the Minister with responsibility for planning confirm whether the Government is willing to commit to further improving accessibility to these meetings by way of provision of a live stream of the meetings, as well as opening up meetings of planning sub-committees to public or, at the very least, publishing minutes of said sub-committee meetings?

1825

Clerk: Answer, the Hon. the Deputy Chief Minister.

1830 **Hon. Deputy Chief Minister:** Mr Speaker, the sub-committee of the DPC is in place to determine minor applications, like shop signs, internal works that concern internal changes to residential, office and commercial units, or the placing of air conditioning units. The idea is to make this process as quick as possible for these types of minor works.

1835 There are no plans at present to open these meetings to the public as well. The decisions taken by the sub-committee are recorded in the agenda and minutes of the DPC, that is then available online. There are no plans at this stage for a live stream of DPC sub-committee meetings.

1840 **Hon. S M Figueras:** Mr Speaker, I raise the point about the private meetings and accessibility to them or minutes of their decisions only – though I understand that they are in respect of minor works, as defined by the Town Planning Act – that there recently, certainly at the last meeting of the DPC, where 26 or 27 – I am not sure of the number – items were approved by the DPC as having been approved initially by the sub-committee. Included in that was one matter, certainly, that came to mind that may have had a certain element of controversy attached to it, given that it had been originally rejected by the DPC.

1845 It is only in furtherance of the Government's stated open and transparency agenda that I would ask the Minister whether it is possible for minutes of these private meetings to be made available in tandem with the minutes of the DPC, as publishing minutes will certainly – I expect the Minister will agree – have no impact on the speed or efficiency of the meetings and the approvals themselves, as it will be an administrative matter after the event.

1850 **Hon. Deputy Chief Minister:** Mr Speaker, the decisions of the sub-committee are published and they are available in DPC meetings and they are available online; but we have not actually given thought to the decisions of a sub-committee being published or being made available online because of the issues that they deal with generally are quite minor.

1855 In the application to which the hon. Member referred, the banner application, that was originally submitted to the DPC before my time, obviously, but it was rejected by the DPC at the time. It was submitted. The design of something was changed and it was submitted a second time. By then, the sub-committee was in place and the sub-committee approved it. The Committee is the two-Town Planners and the Heritage Trust. There is no representative of the political Government on it.

1860 **Hon P R Caruana:** Mr Speaker, can the hon. Member say on what grounds what was different about the application that the DPC originally rejected and the one that they subsequently approved, other than the intervention in between of the new Chief Minister that caused them to change their minds? I mean...

1865 **Hon. Deputy Chief Minister:** Mr Speaker, I am not present at that Committee so I am not aware of the details of the case. *(Interjection by Hon. P R Caruana)* No, *(Interjection)* what I am aware of... *(Interjection)* What I can say to the hon. Member, is that I understand it was a new application. *(Interjection)* There was a new system in place.

Hon. P R Caruana: A new one. Then it wasn't the earlier one.

1870 **Hon. Deputy Chief Minister:** A new application, a new system in place, and it was decided by the sub-committee. *(Interjections)* No, because it was not the same people. It was actually the sub-committee of the DPC.

1875 **Hon. D A Feetham:** Yes, as I understood the answer to one of the previous answers, I think what he said was he had not given any thought to the question of publishing decisions of the sub-committee but that, in any event, that possibly his instincts – if I can characterise it in that way – were that they are decisions in respect of such minor applications that there would not be any useful purpose in actually publishing minutes in relation to those decisions.

1880 Will he undertake to, perhaps, give thought to publishing minutes if, in fact, they are requested by anybody that has an interest or any affected parties? That might be a way in which to deal with that because I quite understand the point that the administrative burden of publishing online or making public minutes might

completely outweigh the benefits of actually doing so in relation to minor applications?

1885 **Hon. Deputy Chief Minister:** Mr Speaker, publishing the minutes of the sub-committee is not an issue for the Government. The whole DPC is public, anyway, so it is not really an issue for us. It is something which we would certainly be prepared to consider.

1890 It is not an issue, but I suppose if somebody feels... if an applicant feels very strongly about a decision, they would then be free to request the minutes or to request reasons why the application for air conditioning or for internal works was rejected. In that case, I would assume the applicant would be entitled to them. Although, let me say that if the sub-committee rejects an application, the applicant is free to then go to the whole DPC and take it up there.

1895 **Hon. D A Feetham:** Yes, also in relation to air conditioning units, in that there might be a situation where an application is granted to locate an air conditioning unit in a particular site which, because of its proximity to a neighbour, may give rise to an interest on the part of that neighbour – that is where I was coming from.

1900 **Hon. Deputy Chief Minister:** Mr Speaker, I understand that the applications are normally advertised and they are published. I did not know it well in terms of the smaller ones, you know, shop signs and air conditioning units – those are as well. But certainly, at a certain level they are advertised so people are made aware of the application.

**Ongoing review of Planning legislation
Online access to planning applications and other information**

1905 **Clerk:** Question 204, the Hon. S M Figueras.

1910 **Hon. S M Figueras:** Will the Minister with responsibility for Planning provide details about the ongoing review of planning legislation and the provision of access to all planning applications and other information online?

Clerk: Answer, the Hon. the Deputy Chief Minister.

1915 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, the Government is currently assessing the technical advice regarding the provision of access to all planning applications and other information online. The review of planning legislation is currently being conducted by the Department and has not yet reached a stage where ministerial input of policy is required.

1920 **Hon. S M Figueras:** Mr Speaker, I asked the question and point... I understand that this will be an involved process which may take longer than the Government has currently been at the helm. However, I have identified from looking at the DPC's website today that, following three meetings with the DPC, none of the minutes have yet been published and I wonder whether the Minister will be dealing with this issue as part of the review in terms of the speed with which the information becomes available following meetings?

1925 **Hon. Deputy Chief Minister:** Certainly, Mr Speaker, it is something that we are looking at, but the hon. Member should be aware also that two of the three meetings were in public, anyway, and there were applicants there.

1930 In fact, at this last meeting we actually had objectors coming forward and stating their case and the applicants responding. So all that happens in public, anyway, but I will certainly check out why the minutes are not online and I will make sure that they are.

1935 **Hon. S M Figueras:** Yes, Mr Speaker, I am fully aware that it is happening in public, as it has been said in the House *ad nauseam*; however, it is unfortunately not always possible for me personally to attend at the meetings and so far it has not been possible. Hence, the reason why I would seek to rely as quickly as possible on minutes of those meetings. I can assure the Minister that, as soon as I have the opportunity, I will be

attending a meeting of the DPC.

1940 **Hon. Deputy Chief Minister:** Mr Speaker, I understand.
Primarily, obviously, the meetings are for the benefit of applicants, objectors, neighbours and what have you, although the hon. Member is obviously free to come as well. (*Laughter*)

Hon. S M Figueras: I will certainly be there at some point soon. Thank you. (*Interjections*)

1945

Adjournment motion

Clerk: The Hon. the Chief Minister.

1950 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House do now adjourn until three o'clock tomorrow afternoon.

1955 **Mr Speaker:** I now propose the question, which is that this House now adjourn to Thursday, 16th February 2012 at 3.00 p.m.

I now put the question, which is that this House now adjourn until Thursday, 16th February 2012 at 3.00 p.m.

Those in favour. (**Members:** Aye.) Those against. Passed.

This House will now adjourn until Thursday, 16th February 2012 at 3.00 p.m.

1960

The House adjourned at 7.47 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.10 p.m. – 6.30 p.m.

Gibraltar, Thursday, 16th February 2012

The Gibraltar Parliament

The Parliament met at 3.10 p.m.

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

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

Questions for Oral Answer

5 **Clerk:** Sitting of Parliament, Thursday, 16th February 2012.
Answers to Questions continue.

10 **CHIEF MINISTER**

**2012 Census
Government arrangements**

15 **Clerk:** Question 205/2012, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Can the Government state when they will be initiating the arrangements to carry out a census in 2012?

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

Hon. Chief Minister: Mr Speaker, preparatory work in connection with the forthcoming census has already commenced.

25 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when does the Chief Minister envisage that the census will be distributed? How long will it take for it to be filled in?

Hon. Chief Minister: Mr Speaker, it is really not so much a question of how long it will take, but when is the best time to carry out a census.

30 We are advised by those responsible in the Statistics Office that it is likely to be best something done in November, and therefore it is anticipated that the work will commence... the actual delivery of questionnaires will commence on Monday, 12th November 2012.

35 **Guaranteed Superannuation Fund
Annual cost to the taxpayer**

Clerk: Question 206, the Hon. D A Feetham.

40 **Hon. D A Feetham:** Are the Government in a position to state what is it estimated the annual cost to the taxpayer will be of the Guaranteed Superannuation Fund?

Clerk: Answer, the Hon. the Chief Minister.

45 **Hon. Chief Minister:** Mr Speaker, I will answer this question together with Question 207/2012.

50 **Guaranteed Superannuation Fund
Nature of guarantee to employee**

Clerk: Question 207.

55 **Hon. D A Feetham:** In relation to the Guaranteed Superannuation Fund, how will the Government guarantee the value of an employee's pension fund?

Clerk: Answer, the Hon. the Chief Minister.

60 **Hon. Chief Minister:** Mr Speaker, as already explained in answer to Question 124/2012 yesterday, if, by the cost to the taxpayer, the hon. Member means how much will be the Government's contribution as an employer, this is impossible to calculate until such time as there have been contributions made by employees on the basis of which a calculation can then be made.

65 As has already been made public, the Guaranteed Superannuation Fund will be invested in the Gibraltar Savings Bank, which carries a Government guarantee.

70 **Hon. D A Feetham:** Just focusing on this question of the guarantee and the investment in the Gibraltar Savings Bank, is the position – and I have read the pension deed that pensioners will be asked to sign – that the pension, the money, will be invested in a bond whose return will be pegged on the 25-year yield of UK government gilts, or is it that the money will actually be invested in UK government gilts? What is the position?

Hon. Chief Minister: No, Mr Speaker, the position is that it will be invested in a bond with the Gibraltar Government.

75 **Hon. D A Feetham:** So when, in the actual trust, the deed, it says that the yields will be based on the 25-year yield for UK government gilts, it is because it is going to be *pegged* to that yield. Is that correct?

Hon. Chief Minister: That is correct, Mr Speaker.

80 **Hon. D A Feetham:** Is he aware that this type of investment, in fact – UK government gilts – is as near as possible as you can get to cash, and therefore virtually risk free? Is he aware of that?

Hon. Chief Minister: Mr Speaker, I am aware that that is a particular view.

85 **Hon. D A Feetham:** Is he aware that, for example, the returns on UK government gilts are 3.1% and that, in actual fact, it has only ever been, in the last 20 years, over 5% in 1998, thus reflecting the level of risk that this kind of investment poses?

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

Hon. D A Feetham: Does he not think, therefore, that when the Government talks about guaranteeing the fund, that is obviously misleading because there is absolutely no risk to the underlying investment?

95 **Hon. Chief Minister:** No, Mr Speaker.

Hon. D A Feetham: Am I right in saying that contributors to the Provident Pension Funds No. 1, No. 2 and No. 3 will be able to transfer into the Guaranteed Superannuation Fund?

100 **Hon. Chief Minister:** Mr Speaker, the position is that if they wish to do so, they may.

105 **Hon. D A Feetham:** Is he aware that, in relation to the Provident Funds No. 1, No. 2 and No. 3, there are different types of pension plans – there is income, there is growth, there is balanced – and for the different pension plans, the underlying investments are actually different? There are very low-risk investments; there are also higher-risk investments, such as investments in equities. Is he aware of that?

Hon. Chief Minister: Yes, Mr Speaker.

110 **Hon. D A Feetham:** Therefore, will he not agree with me that the level of risk, in terms of investments in the Provident Funds No. 1, No. 2 and No. 3, the type of pension plan that one is talking about – the creature – is completely and wholly different to the type of risk that one is dealing with in relation to the Guaranteed Superannuation Fund?

Hon. Chief Minister: Mr Speaker, I am now aware that that is *his* view.

115 **Hon. D A Feetham:** The hon. Gentleman obviously has not done his homework! There is a simple answer: yes, or no. Is he aware, or is he not aware? (*Interjections and laughter*)

Mr Speaker, will the Hon. the Chief Minister confirm whether anybody that is transferring into the Guaranteed Superannuation Fund from what is a different type of investment, a different type of pension creature, will be provided advice in relation to that transfer, or will it be on the basis of execution only?

120 **Hon. Chief Minister:** Mr Speaker, the position, as the hon. Gentleman knows, I think, from the answers given in this House yesterday, is that, as yet, there have been no applications by anyone to come into this Fund.

125 **Hon. D A Feetham:** But I am not asking about whether there have been any applications. I am asking, if somebody wants to transfer from the Provident Fund No. 1, No. 2 or No. 3 into the Guaranteed Superannuation Fund, is that going to be on an execution basis only, or is the Government going to provide some form of advice to those pensioners – to *their* pensioners?

130 **Hon. Chief Minister:** Mr Speaker, I am not going to be answering any hypothetical questions because, in fact, there is a clear parliamentary provision that we should not, but when the time comes, we shall make a determination as to how to deal with those issues. Perhaps I should thank the hon. Gentleman for flagging that.

135 **Mr Speaker:** Well, I did consider whether that was a hypothetical question, but I did not take the view that it was a hypothetical question. It is a question aimed at a policy: whether advice would be tendered or would it be executed only.

140 **Hon. D A Feetham:** Well, I am very glad that I have been able to assist the Government but, obviously, I am none the wiser as to what the Government's policy is! (*Interjection and laughter*) Let me just read...
He has obviously been taught very well by the hon. Gentleman to his left!

Hon. Chief Minister: It is a pity you left his tutelage!

145 **Hon. D A Feetham:** Let me read what you said, what the GSLP said in its manifesto. It said this, and I quote:

'The value of the Provident Funds can go up or down and is not guaranteed.'

150 Then it went on to say that anybody could transfer into the Guaranteed Superannuation Fund and that, because it was guaranteed, that this was an additional benefit.

Will the hon. Gentleman not accept that that is, in fact, a misleading statement? One, because... (*Interjection*) Well, I haven't finished.

155 **Hon. Chief Minister:** I can tell you the answer now. (*Laughter*)

Hon. P R Caruana: No, we have heard the answer from Mr Bossano already: no.

160 **Hon. Chief Minister:** When one predicates a question like that, I can tell him what the answer will be, but I am quite happy to allow him to waste his time and his breath in expanding on his question!

165 **Hon. D A Feetham:** Well, because – let me explain, then he can answer the question – it is absolutely right that the investments in pension plans and the Provident Funds No. 1, No. 2 and No. 3 can go up or down, but, in relation to the Guaranteed Superannuation Fund there is absolutely no risk with the investment going down because the underlying investment is as near as possible as investing in cash. It is like putting the money into a bank account. In actual fact, it is even worse, because the investment is going to be in the Gibraltar Savings Bank. Unless the Gibraltar Savings Bank goes bust then, of course, nobody is going to lose their money.

Does the hon. Gentleman not accept that, in the light of those facts, the promises made, and the

170 representations made, in their manifesto were false, and does he not accept as well that, in the light of those representations, it becomes even more necessary for the Government to provide *proper advice* to its own workers and make it absolutely clear that the fact that the Guaranteed Superannuation Fund uses the term 'Guarantee' is actually misleading?

175 **Hon. J J Bossano:** It is not a guarantee.

Hon. Chief Minister: Mr Speaker, to the first question, no; to the second question, no; to the third question, no.

180 **Hon. D A Feetham:** Has the hon. Gentleman received any representations from private pension providers in the private sector?

185 **Hon. Chief Minister:** Mr Speaker, I have spoken to a number of people in the financial services industry, some of them who are private pensions providers about this and other matters, but this, frankly, Mr Speaker, deviates quite a bit from the question that I am dealing with.

Hon. D A Feetham: Mr Speaker, if it is a point of order, I would argue the point of order. It is a valid supplementary arising from my original question.

190 **Mr Speaker:** Well, the question which I heard seemed rather wider. It did not seem to be linked to the Guaranteed –

Hon. D A Feetham: No, I am talking about representations in relation to the Guaranteed Superannuation Fund.

195 **Mr Speaker:** Ah.

Hon. D A Feetham: And he has understood the question.

200 **Hon. Chief Minister:** And he has answered it.

Hon. D A Feetham: Is it not the case that, in fact, private pension providers have expressed concern to the hon. Gentleman precisely on the grounds that I have expressed concern to him today, and also in relation to competition concerns? Is it not the case?

205 **Hon. Chief Minister:** Mr Speaker, no, it is not the case.

Hon. D A Feetham: Will the hon. Gentleman at least give me a clear answer this afternoon –

210 **Hon. G H Licudi:** It is very clear. Very clear.

Hon. D A Feetham: – and at the very least tell me what the nature of the representations about the Guaranteed Superannuation Fund were that were made to the Chief Minister?

215 **Hon. Chief Minister:** No, Mr Speaker, because I do not think it is fair to tell people what it is that the representations that have been made to me in private are across the airwaves just because the hon. Gentleman happens to be curious about it. (*Interjection*)

220 **Hon. D A Feetham:** The hon. Gentleman is aware, because the hon. Gentleman has sought to cloak himself with a cloak of transparency, accountability, greater consultation and all those nice terms that the hon. Gentleman uses on a constant basis, that he is accountable to this Parliament, that we have concerns about the Guaranteed Superannuation Fund... (*Interjections*) that we believe that similar concerns have been expressed to him. Does the hon. Gentleman not agree with me that it is absolutely outrageous that the hon. Gentleman refuses to answer any questions and be accountable to this Parliament on what is an important aspect of

225 Government policy, affecting thousands of Government workers?

Hon. Chief Minister: Mr Speaker, I did not need to be elected on a manifesto that pledged accountability and transparency to know that Ministers are accountable to this Parliament, because I have spent eight years trying to hold Ministers accountable in this Parliament and they have been much less accountable in four-year terms than we have been in the eight weeks that we have been elected. *(Laughter and applause)*

230 In fact, Mr Speaker, one thing is to be accountable and another thing is for me to tell the hon. Gentleman everything that happens in my meetings, some of which continue to be ongoing and some in respect of which people are coming back to meet me to make fuller representations than they have made.

235 **Hon. D A Feetham:** May I suggest to the hon. Gentleman that either he really does not know very much about the Guaranteed Superannuation Fund... and, in fact, I have noticed that before he answered my questions, the hon. Gentleman, Mr Bossano, was constantly whispering in his ear. It appears that, although he has plucked up the courage to actually answer questions about the Guaranteed Superannuation Fund on this occasion because, on the last occasion that I asked him, in fact, he said that he would not answer because he was not in a position to answer because Mr Bossano was dealing with the position...

240 Does he not agree with me that that is an outrageous attitude for him to adopt in this Parliament?

Hon. Chief Minister: Mr Speaker, in answer to the first question, no; in answer to the second question, no. But let me tell him a little bit more.

245 Mr Speaker, I know that, having left the confraternity of socialists to go to the hon. Gentlemen opposite –

Hon. D A Feetham: I can assure you that I am happier...

250 **Hon. Chief Minister:** – and to fall into the vice of seeking power at any price, the hon. Gentleman has obviously fallen out from the possibility of having what we are enjoying as a Cabinet, collegiate government, where we talk to each other about the things that matter to each other, we work together on the issues and we do not have to stand up on our own, defenceless, before a merciless cross-examiner who seeks only to ridicule us.

That is not what Government is about and it is not what the Opposition should be about, either.

255 **Hon. D A Feetham:** Mr Speaker, I am astounded, I have to say, but let me tell the hon. Member, the Hon. Chief Minister, that if he is going to be talking about *my* U-turns, let me remind him that he is, at heart, a liberal; that a liberal now leads the Gibraltar Socialist Labour Party; and that if I were to stand in this Parliament and say what the hon. Gentleman used to say to me about the Hon. Mr Bossano, there would be a nuclear explosion on the benches opposite from here to Madrid! *(Interjections and applause)*

260 **Two Members:** What is the question?

265 **Hon. Chief Minister:** Mr Speaker, I have been called many worse things than a liberal before *(Laughter)* and if I want to stand here and say to the hon. Gentleman across the floor of the House, or remind him, of the things he used to say about the hon. Gentleman sitting to the left of him –

Mr Speaker: Please don't!

270 **Hon. Chief Minister:** – Hiroshima would pale into insignificance, compared to the explosion he would be sitting next to.

But, given that I understand that the hon. Gentleman sitting to his left used to say the same things about the hon. Gentleman sitting to his right, *(Laughter)* it may be that the implosion might be such that we might learn how to split the atom! But this is Question Time, not Science Time, Mr Speaker. *(Applause)*

275 **Mr Speaker:** I think the last two remarks were not questions.
The Hon. Leader of the Opposition.

Hon. P R Caruana: Mr Speaker, the Hon. Chief Minister can rest easy: Mr Feetham and myself kissed

280 and made up a long time ago! (*Interjections, laughter and applause*)
Politically speaking! (*Laughter*) Whether the same (*Interjections*) –

Mr Speaker: Order! Order!

285 **Hon. P R Caruana:** Whether the same kissing and making up is evidenced in the ranks of his Government, given some of the tensions that one hears are already occurring within it, is another matter.

Anyway, Mr Speaker, I can see that the Hon. the Chief Minister is in the mood for multiple-choice questions and answers today, given that he is in a yes-and-no mood. My first supplementary, then, will lend itself to that sort of treatment.

290 Does he not agree with me that the Hon. Mr Feetham, rather than have left the confraternity of socialists, has left the confraternity of socialists? Does he not agree with me that almost every working-class representative in Gibraltar that has ever been respected by the working classes in Gibraltar has recognised that the GSD Government has shown many, many, many more signs of being genuinely concerned with the social and labour interests of working people than the GSLP has ever even dreamt of showing? (*Applause*) Does he agree with me about that?

295 **A Member:** That is why you are there and we are here.

Hon. P R Caruana: And does he agree with me (*Interjections*) –

300 **Mr Speaker:** Order! Order!

Hon. P R Caruana: And does he, thirdly, agree with me that, whilst he may be free to take the view, as a matter of policy, that he should not account in this House for representations made to him by third parties for fear of breaching their confidence, it is nevertheless inappropriate of him to reduce this Parliament's right and interest in the public affairs of Gibraltar to, as he accused my friend, simply being 'curious' about it?

Hon. Chief Minister: Mr Speaker, that is a self-serving diatribe that is a party political broadcast and a pretext for debate, not a proper question for Question Time, which may account for the fact –

310 **Hon. P R Caruana:** All I ask for is answers.

Hon. Chief Minister: – that it has taken us half an hour to get through two questions, the whole of the time that the British Prime Minister would have spent on his feet in the Commons, in Parliament, answering many more.

315 As it is a pretext for debate, as it suggests things, Mr Speaker, that the hon. Gentleman simply wants to raise in order to find perhaps, or carry, some more favour with headline writers tomorrow than he has been able to do (*Interjection by Hon. P R Caruana*) to date since 8th December, I am simply going to say to him that, frankly, he should, next time, give me notice of that question and I will come back with a retort that he will not enjoy.

320 **Hon. P R Caruana:** Mr Speaker, I will take that as a refusal to answer the question.

I do not know why he needs notice of supplementaries, each of which arise exclusively from what he has said in his last intervention.

325 **Hon. Chief Minister:** About the Superannuation Fund, not...

Hon. P R Caruana: Very well, Mr Speaker, a more constructive supplementary that the hon. Member may be able to handle: have I correctly understood the Government to have said that it will be offering annuities?

330 **Hon. Chief Minister:** Mr Speaker, I think that is clear from the way that the whole of this subject has been phrased, even in the press releases.

335 **Hon. P R Caruana:** So, if the Government intends to issue annuities, can I ask the Government out of what fund it will absorb any losses that might arise?

340 The issuing of annuities is the purchase... An annuity is an annual payment for the rest of your life, or for a certain number of years, purchased by the payment up-front of a lump sum. That is what an annuity is. Therefore, if the Government of Gibraltar is going to go into the business of writing annuities, which is the business usually of life insurance companies – you can make a profit and a loss from the activity, depending on the accuracy of the actuarial calculations of how long people are going to live – does the Government entertain the possibility, then, that the taxpayer may make losses from it conducting the business of issuer of annuities?

345 **Hon. J J Bossano:** Mr Speaker – (*Applause*)

Mr Speaker: Order! Order!

Hon. J J Bossano: I see, (*Interjections*) Mr Speaker –

350 **Mr Speaker:** Order!

Hon. J J Bossano: – that the hon. Members' opposite conversion to socialism includes recognising me as the legitimate leader of socialists in Gibraltar. I welcome that. (*Applause and interjections*)

355 **Hon. P R Caruana:** Socialist leader of the Government, yes.

Hon. J J Bossano: And the Opposition, because the Opposition have been trying to persuade the electorate –

360 **Mr Speaker:** Order! Order!

Hon. J J Bossano: – that they are genuinely the working-class party of Gibraltar. I do not think there is any other country in the whole of Europe, or possibly in the whole of the western world, where the Government and the Opposition are competing both to be socialists. I never thought I would live to see the day!

365 I would remind the hon. Member that when he launched... He, in fact, is the originator of the concept of providing Government Provident Funds. Yes, there were no Government Provident Funds with the possibility of an annuity until he introduced the concept in the House, and at the time he created something which I recall that he originally said, in answer to my question, was going to be done through the Post Office, and then he told me he was going to do it outside the Post Office, outside the Savings Bank, because of the 10% that was required in addition to the money in the fund, and I think... If he does not remember, because he is shaking his head, then I will have the question fished out and send it to him.

370 The hon. Member, originally, when he announced it in Parliament, announced that the thing would be done through the Gibraltar Savings Bank, which is what we are doing now, and then he said that he had decided against it when, at a later stage he did not do it that way, because it meant that every time people put money into the Provident Fund, the Provident Fund would then require the Savings Bank to hold an additional 10% – which is no longer the case – and therefore, if the stage comes... which is a very long time in the future because, in fact, the new Superannuation Fund starts on 1st January. There is currently nobody who is contributing to it. There may not be anybody in any of the other funds that wants to move. So far, only one person has publicly announced his intention of moving – somebody who is very familiar to the other side, who clearly does not share all their reservations about it.

380 **Hon. P R Caruana:** No, well, I would [*inaudible*].

385 **Hon. J J Bossano:** But you can advise him, of course, since he is one of yours! (*Interjection by Hon. P R Caruana*) You can give him the advice not to do it! (*Laughter*)

The point is that when we find that there are people who switch it and when we find that there is interest in the annuity, we will revisit the arrangements that he was planning to introduce initially, which was, in fact...

390 there was, indeed, a fund in the Savings Bank that would provide the annuities and that is what we propose to do, go back to what he had at the beginning.

Hon. P R Caruana: Mr Speaker, everything that the hon. Member has just said and attributed to me about any intention or statements on my part to issue anything that looks anything like an annuity is complete and utter fabrication on his part.

395 Mr Speaker, the Provident Scheme that *we* designed, will he accept, does not provide for annuities. What it provides for... He may be interested in listening to this supplementary. What it provides for, will he not recall more carefully now, is for the pensioners' accumulated fund to be drawable on retirement in *annual instalments*, but annual instalments from his fund, not annual instalments in terms of a contractual right against the Government, the issuer of the gratuity?

400 The Government was concerned at the time that if somebody had accumulated £150,000 in their account, they should not be able to draw it all out and blow it on a cruise and in the casino in one year and then have nothing more to spend for their old age, so we introduced what *he* is describing – which is not an annuity – which is that they could only withdraw it in annual amounts, and that is what he is describing, which is *nothing* like the annuity that they have described.

405 The annuity, as I understand it, that they have announced is that the pensioner surrenders the capital sum of his pension pot to the Government, in exchange for which the Government will contractually, or statutorily, agree to issue the person with a right to an annual income. That is an annuity: not what we intended to do.

410 Whether the Government makes a profit or loss on that, I would ask him to agree with me, just to convert this into a question... that would expose... Whether the Government makes a profit or a loss on such a transaction depends on the accuracy of the actuarial assumption made at the time that the annuity is purchased, and you decide, 'For that sum of money I will pay you *y* thousand pounds a year either for the rest of your life or for *x* years,' and if it is for the rest of your life, it subsequently depends on a second variable, which is whether the person lives longer or less. If he lives less, the annuity issuer makes a profit; if the person lives longer, then the annuity issuer makes a loss.

415 I am asking the hon. Member to simply recognise that issuing annuities in that way exposes the Government, if the Government is to issue it, both to the possibility of making profit and to the risk of making loss. Does he agree? (*Mobile phone rings*)

420 **Hon. J J Bossano:** I agree, Mr Speaker, that those possibilities exist.
All I am saying to him is that before he introduced the scheme that is...
He does not have to hide; I am not going to be nasty to him! (*Laughter*)

425 **Hon. P R Caruana:** I am trying to work out how to turn off my phone! (*Laughter*) And, anyway, my protégé assisted me... (*Interjections*)

Hon. D A Feetham: But no kissing, please!

Mr Speaker: Order!

430 **Hon. J J Bossano:** If that is what the hon. Member is relying on, I suggest he comes along with a bulletproof vest.

435 Can I tell the hon. Member that, before he moved to the system of telling people (*Mobile phone rings*) that they had the option of reducing their capital base by making withdrawals, the first proposal was an annuity, and I will prove it to him. I will prove it to him. I will be able to fish it out because I remember it, you see. He may not, but I do.

440 The second thing is that if, when the time comes – which is probably a very long time in the future – that the first persons will be retiring from having contributed to the Guaranteed Superannuation Fund... When that happens and a decision then is taken and people are being given either an annuity or a lump sum – which they will be able to choose because a decision will only be made when you reach retirement – the plan at present is that that should be done through a fund that would be part of the Savings Bank, but, clearly, I think that before that happens there will be many elections and many changes of Government and another Government may have a different policy, but that will be the plan now if it was happening now.

445 **Hon. P R Caruana:** So any losses that might accumulate in this annuity-selling scheme would be the problem of some future Government and the hon. Members appear to be consoled by that fact?

450 **Hon. J J Bossano:** Well, no, since I am telling the hon. Member that there is not yet one single contributor (Hon. P R Caruana: As yet.) to the system and that the date when the first payments have to be made is in the future. If at that time he or somebody that thinks like him is in Government, they can decide not to proceed down that route and not provide it.

I have no doubt that this can be done and that it can be done at zero loss, but I am not going to explain to him how it is done, if he does not want to do it. We will do it if we are there. It will not happen if we are not.

455 **Hon. P R Caruana:** Mr Speaker, if the hon. Member believes, surely, that annuity-writing business can be done with a guarantee of no loss, he has lost his vocation. He could have made himself a multi-billionaire in the City of London, explaining to insurance companies how it is possible to go into the business of selling annuities with *no risk whatsoever of loss*.

460 The hon. Member may think that he can just make glib statements in this House and get away with them, but no-one in the history of mankind has yet devised a way of selling annuities with a guarantee that it cannot result in a loss to the person who, in exchange for a fixed lump sum of money at the beginning, has to pay an annual amount for an indeterminate number of years, which may or may not exceed the amount that he received in the front end, plus financing costs. The hon. Member thinks that he can get out of every inappropriate policy that he announces in this House simply by saying that there are not any clients yet, and when there is a client I will have to wait until I am 156 to find out whether he was clever enough to invent a system that exposes the taxpayer to loss.

465 *Everybody* will know that if the Government of Gibraltar competes with insurance companies in the selling of annuities, then the Government of Gibraltar can make a loss on that business as easily and as much as the commercial companies can do. Will he not acknowledge at least the possibility of that? I acknowledge the possibility that the Government could make a profit from it. All I am asking him to acknowledge in return is that if you have the possibility of making a profit, you have the possibility of making a loss as well.

470 **Hon. J J Bossano:** Mr Speaker, let me just remind the hon. Member that yesterday he did not know how it was going to be possible to provide 100% commutation to existing Civil Service pensioners.

475 **Hon. P R Caruana:** At no cost to the Government.

Hon. J J Bossano: That is correct.

480 **Hon. P R Caruana:** That is what he said.

Hon. J J Bossano: Yes, that is correct, and therefore he clearly did not know how to do it in Government, because when I asked him to do it he told me from this side of the House it was impossible.

485 **Hon. P R Caruana:** I still believe it is not possible.

Hon. J J Bossano: Yes, and you still believe it is not possible. Therefore, you will believe it when it happens, and since this is not going to happen for a very long time –

490 **Hon. P R Caruana:** Explain it now!

Mr Speaker: Order!

Hon. J J Bossano: Well, no, Mr Speaker, I am afraid –

495 **Mr Speaker:** Order!

Hon. J J Bossano: The hon. Member is asking questions about a policy. I have told him what the policy is. I have told him that it is a policy that is unlikely to be required to be activated within the term of office of

500 this Government. It is a policy that will happen with this Government or a successor Government that carries on with that same policy.

505 If there is a different Government in future when there is the first contributor due to take his money and that Government at that time – in 10 years, 20 years or 30 years' time – decides that they do not know how to provide an annuity fund through the Savings Bank which can, in fact, match its exposure with an alternating asset that will guarantee no loss, then that is the problem of the Government at that time. I can tell him we know how it can be done and that we could do it tomorrow if there was a need to do it tomorrow, but there is no need to do it tomorrow and there is no need to explain it.

Hon. P R Caruana: Mr Speaker, why does the hon. Member believe that this will not arise in this term of office?

510 Look, Mr Speaker, the hon. Member has said that the Provident Scheme is open to the private sector; that you can change, transfer, from the Provident Scheme to the Superannuation Fund; that the Superannuation Fund will be available also to existing civil servants, who will be able to get full commutation. How does he know that, some time in the next few months, a civil servant who retires and commutes the entirety of his pension is not going to knock on his door and say, 'Now keep to your promise and sell me an annuity'?

515 **Hon. J J Bossano:** Mr Speaker, the reality of that is that it would take a very ignorant civil servant to do that, and I can only suppose that the level of economic ignorance of that civil servant must be matched by the level of economic ignorance of the questioner, if he suggests that that is conceivably possible for anybody that they should have a Civil Service final salary scheme, that they should convert that into a lump sum and then use their lump sum to buy an annuity which would give them a lower income than they had in the first place.

Hon. P R Caruana: It may not be a lower income.

525 **Hon. J J Bossano:** Yes, it will be a lower income. There is no question –

Hon. P R Caruana: Why?

530 **Hon. J J Bossano:** Why? I will tell him why: because a commutation is based on 8%, that is why, and you cannot get that return. So you are selling something at 8% and then buying it back at 7% or 6% and you make a loss.

Hon. P R Caruana: So, is the hon. Member –

535 **Hon. J J Bossano:** So what that is saying is if anybody came along with that idea, the advice that he would get was that the annuity that we would be able to offer him would be less than the pension he had just sacrificed.

540 Secondly, I have *not* said that the Guaranteed Superannuation Fund is for civil servants who go for 100% commutation. I am saying that the Guaranteed Superannuation Fund is for the people who no longer have a final salary pension because he thought it was necessary to bring it to an end because it would be a millstone around the necks of future generations. What we have done is we have produced a smaller millstone around the necks of future generations by the Guaranteed Superannuation Fund, which, until a few days ago, was being condemned as being something that was so exposed that it would ruin the Government, and today it is being condemned as being misleading because it is so safe that it is almost cash!

545 So it is quite obvious that if they think that it is a risk they exaggerate the risk in order to attack what we are doing, and if they think there is no risk, they attack that there is no risk, so as to tell us we are misleading people in saying we are guaranteeing something that is self-evidently guaranteed! Well, if it is self-evidently guaranteed, then all their criticisms until now have been wrong.

550 I can tell the hon. Member that the reason why I am saying it is not going to happen in the next three years is because if somebody was close enough to retirement to join the Superannuation Fund tomorrow after three years' contributions, the amount that he could buy in terms of an annuity would be so little that nobody would do it.

He must remember that the first step that was taken by the Government in giving people the lump sum from the Provident Fund was on the basis that the amount of money that had been accumulated in the

555 Provident Fund was so small that to force people to take an annuity or to take an income stream was wrong
and that they should be able to take all their money out. That is how we started moving in the direction of
letting people take everything out, when the Government first started the process of removing the requirement
for the 25% maximum amount that could be withdrawn, and the argument then, quite rightly, was, 'Look, you
560 are saying to people they have got to buy an annuity with the 75%,' and nobody will sell them an annuity
because all they have got is only a couple of thousand pounds saved up. Well, that is all that would be
happening in the next few years from new entrants. I do not believe there is going to be a rush of people
wanting to switch from one to the other, anyway. It is just something that we have put there as a possibility
for those who are interested.

565 If there is anybody in the private sector who wants to use this as a vehicle for their future, for his
retirement, on the basis that what is available in the market carries the risk that he puts the money there and
loses it, then that is all that we are offering. We are offering people something that is more secure, but more
secure with the kind of return that you get on 25-year deals. What people cannot expect is to have a high-risk
return on a zero-risk investment.

570 **Hon. D A Feetham:** Well, that is what your manifesto appears to indicate.

Hon. J J Bossano: Well, it appeared to indicate it to *you*.

A Member: And to everybody else.

575 **Hon. J J Bossano:** Yes, well, Mr Speaker, if the hon. Member thought that that is what it indicated...
First of all, he *invents* what the manifesto says; then he criticises it because it is not what we are doing; then
he accuses us of doing a U-turn because we are not doing what he invented. Well, look, I am afraid he can
keep on doing that for as long as he wants, but it will not get him anywhere.

580 The Superannuation Fund that we are offering is considered to be an improvement on what is there today
by many people, but we are doing more than that. We are saying to people in the public service, 'You have
got the choice of staying with the Provident Fund as it has been until now; you have got a second choice of
opting for the improvements that the GSD offered in their manifesto and we are committed to introducing;
and, thirdly, you have got the choice of going for what we have put.'

585 What are we being accused of doing? Not giving people enough advice as to which of the three they
should choose? Well, look, we are doing more than anybody else has done before. We are doing something
that *we* happen to think is better, but nobody is being forced to take it. They can either stay with what they
would have had if the GSD had won the Election, or they can stay with what they used to have until 2011, or
they can take what is new in 2012 – and they *still* have to find fault with it!

590 Well, I can tell the hon. Member that he can rest assured that this can be done, that it will not ruin
Gibraltar and that it will not create massive losses for the Savings Bank, and that if he does not know how it
can be done, then I am afraid I am not here, nor any of us are here, in order to give him lessons in economic
theory or in anything else.

595 I can tell him that I do not believe I could have made a million advising insurance companies because of
what I have said today, but even if I could, I would not have chosen to do that because when I chose to come
back in 1972 to serve the people of Gibraltar it was not because there were more millions to be made here
than in London, but because it was what I wanted to do with my life. (*Applause*)

600 **Hon. P R Caruana:** I was wondering when he was going to deliver his valedictory speech. What I did not
imagine was that it would be in answer to a supplementary question in Parliament!

Now, Mr Speaker, will the hon. Member just tell me whether he has said that the Superannuation Fund
will be available to the private sector, to employees of private sector companies?

605 **Hon. J J Bossano:** Mr Speaker, it was not my valedictory speech, because I have got 19 years left.
(*Laughter*)

Two Members: Hear, hear.

Mr Speaker: Order! Order!

610 **Hon. J J Bossano:** What I announced when we launched this fund, which is a fund that is under the Gibraltar Development Corporation, like the other Provident Funds are, is that it will be open without a contribution from the Government, clearly, to any employer that wants to join this, instead of joining the No. 3 Provident Fund, which is the one that was set up by the previous administration for the private sector, or to an individual who is self employed and wants to provide for himself or, indeed, to an employee who wants to have a secure vehicle to provide for his own retirement in an area where the employer does not do it.

615 So, effectively, there are three categories of people in the private sector who, if they wish, can in fact become members of the Guaranteed Superannuation Fund and contribute, but the value will be the value of what they put in, plus the reinvested accumulated interest.

620 **Hon. P R Caruana:** ‘Yes’ would have been sufficient.

Therefore, any of the persons he has listed could transfer into this scheme the accumulated capital value in his present pension arrangement by way of transfer – yes, or no?

Hon. J J Bossano: I cannot say a categorical yes or no to that, because –

625 **Hon. P R Caruana:** Ah, well, because, you see, it is implicit...

Hon. J J Bossano: Because, in fact, I think it depends not just on our willingness to receive the money. The... (*Interjection by Hon. P R Caruana*)

630 Well, I was going to say it does not just depend on that. I have not said we are willing to do it. I have just said it does not just depend on that, but it must also depend on what are the rules in the alternative where their money is now.

635 In fact, the scheme, as it is set up now, does not... I do not think it is structured now. It may be we may need to amend it to do that, but I think, as it is structured now, it does not actually specify that you can make lump-sum payments irrespective of the amount, because what we are talking about is making regular contributions on a monthly basis. So I am not 100% sure that somebody can say, ‘Well, look, I am going to withdraw the money that I have got in another pension fund,’ and arrive with £½ million and put it into that. Certainly, it is something we are willing to consider if somebody comes along with that proposal, but I am not 100% sure that the rules, as they are now, include that possibility. It includes the possibility of somebody joining as from the current date, at the moment, as it stands.

640 **Hon. P R Caruana:** Does he not understand that if somebody can transfer into the scheme with a lump sum he is then in a position – if such a person were approaching retirement age – unlike the civil servant who is unlikely to happen because in the next three years it is not going to happen during this term, because no-one is going to have accumulated...

645 Such a person as we are now discussing could transfer a lump sum from an existing scheme into the Superannuation Fund, retire in two years’ time, and come knocking at his door before the next Election, therefore, and ask him to sell him an annuity, and all the diatribe that he gave me before would not apply to such a person.

650 **Hon. J J Bossano:** I imagine that that is a list of hypothetical possibilities.

Hon. P R Caruana: There is nothing hypothetical about it.

655 **Hon. J J Bossano:** Yes.

Hon. P R Caruana: And it is not a new word that they have discovered...

660 **Hon. J J Bossano:** Mr Speaker, he is saying do I not agree that it is possible that A will happen, and then that B will happen and that C will happen. It is also possible that Iran may have a nuclear bomb and attack Israel. That is also possible, in which case, nothing is safe any more!

Hon. P R Caruana: Whether it happens or not is hypothetical. The possibility that it can happen is not hypothetical; it is real. (*Interjections*)

665 **Mr Speaker:** Order! Order! Order!
The Hon. Minister is answering... his answer is hypothetical, but I believe he is willing to continue...

670 **Hon. J J Bossano:** So I am saying that the fact that any of those things may happen or may not happen is a hypothetical question, but I will tell him what the answer is: if it happens – which I do not think it will, but if it happens – we would provide the annuity from the Savings Bank for that one or two or three people who decide to do it, and I can assure the hon. Member that we will do it in a way which guarantees that we will not lose money on it.

675 But I do not think we will have the opportunity of demonstrating to him that he does not know what he is talking about because, regrettably, all those hypothetical situations I do not think will materialise. I would welcome if somebody comes and does it so that we can show him that he does not know what he is talking about.

Mr Speaker: Before the hon. Member stands up, I have allowed over half an hour discussion on this particular topic.

680 **Hon. P R Caruana:** I am moving on to a new topic, Mr Speaker.

Mr Speaker: I beg your pardon?

685 **Hon. P R Caruana:** I am moving on to a new aspect.

Mr Speaker: But on the same topic. It cannot be a new topic. (*Laughter*)

Hon. P R Caruana: We have already established what we wanted to establish on annuities.

690 **Mr Speaker:** Thank you.

I was just going to suggest something: that I would allow one more supplementary in the hope of bringing this whole discussion to an end. It is open to the hon. Member to debate the matter on a separate motion whenever. I am told by the Chief Minister he will make time available to this Parliament as often as required.

695 **Hon. P R Caruana:** That is very generous of him indeed.

Mr Speaker, did I correctly understand the Chief Minister to say that these Superannuation Funds would invest in Gibraltar Government bonds and debentures?

700 **Hon. Chief Minister:** No, Mr Speaker, I did not. I am just checking I did not say that... I said it would invest in a Gibraltar Government bond, not in a debenture.

Hon. P R Caruana: Well, I do not know what he thinks the difference is between a bond and a debenture but, anyway, leaving that point just to one side for a moment...

705 So this will constitute the sale of public debt. In other words, the same way as Government debentures is now. Does the hon. Member not agree – (*Laughter from the hon. Chief Minister*) Does the hon. Member not agree... But don't worry, I am not questioning him about the level of public debts, about which I am not as concerned as he is. Does the hon. Member not agree that the effect of people getting what is, in effect, their pension fund and using it to buy Government bonds – which is, in effect, Government borrowing instruments which the Government can then *spend* – is tantamount to the Government spending people's pension pots?

710 **Hon. J J Bossano:** Mr Speaker, I think the hon. Member demonstrates –

Hon. P R Caruana: Yes, or no?

715 **Hon. J J Bossano:** No, I will tell him. The answer is no, because every time (*Interjection by Hon. P R Caruana*) he asks us new questions he increases the exposure of his level of ignorance of the subject.

What is he now saying? That for the first time the £300 million deposited in the Government Savings Bank is now public debt – is that what he is telling the House?

720 **Hon. P R Caruana:** No, Mr Speaker.

Hon. J J Bossano: No, then, in fact –

Hon. P R Caruana: That is not what I have said; nor is it what he said.

725 **Mr Speaker:** Order! Order!

Hon. J J Bossano: Then I have to tell him the contributions to the Superannuation Fund will be in the fund created under the same rules as the existing Provident Fund.

730 If he reads the audited accounts –

Hon. P R Caruana: That is not what I said before.

Hon. J J Bossano: No, it –

735 **Hon. P R Caruana:** In other words, what he is saying is –

Mr Speaker: Order! Order!

740 **Hon. P R Caruana:** On a point of order –

Mr Speaker: Order!

745 **Hon. P R Caruana:** On a point of order... Mr Speaker, when they rise and say, 'Point of order,' it is a licence for them to say what they feel. Eventually. Thank you.

Mr Speaker: I asked you the point of order.

750 **Hon. P R Caruana:** Mr Speaker, that would be a clarification of what they said before, upon which I based my last supplementary, but it is not what they said before.

When I asked the Member whether the Superannuation Fund would be invested in a Government Savings bond/debenture, he said, 'No, not debenture, bond.' In other words, the Superannuation Fund *directly* buying Government bonds. That is what he told me and that is what justified my supplementary.

755 If he is now saying that the Superannuation Fund would invest in the Gibraltar Savings Bank and that the Gibraltar Savings Bank will *then* buy Government bonds, that is a wholly different transaction to the information that was given to me in the last supplementary but one and would not have attracted my last supplementary. It is nothing to do with ignorance; it is about the accuracy of the information that they give me in answer to questions.

760 **Hon. J J Bossano:** Mr Speaker, the accuracy of the information given is that in the previous answers that had been given to questions it was made clear that the hon. Member was told the reason why the fund is guaranteed is because the fund will invest the money in the Savings Bank. That is in the original answer.

765 **Hon. P R Caruana:** I asked whether the Superannuation Fund would be invested in Gibraltar Government debentures and the answer was 'yes'. The answer should have been 'no', it would be invested in Gibraltar Savings Bank debentures or bonds. That would have been an answer which would not have invited my subsequent supplementary, but when I asked, I was told that they were investing *directly* in Government debt, Gibraltar Government bonds.

770 **Hon. J J Bossano:** No, the answer is no. The answer is, if the answer that we have given misled the hon. Member –

Hon. P R Caruana: No, he did not mislead me. It was the answer.

775 **Hon. J J Bossano:** Well, the answer is as stated originally in the original answer to the question: the fund will invest only in the Savings Bank, and that is why the fund is able to say to people the money that we are investing is, in fact, guaranteed, because the Savings Bank is guaranteed by the Government.

Mr Speaker: I really must invite the Leader of the Opposition to take up my offer to bring a motion if you wish to debate the matter further.
780 We will move to the next Question.

785 **Televising parliamentary sessions
Gibraltar Broadcasting Corporation**

Clerk: Question 208, the Hon. D A Feetham.

790 **Hon. D A Feetham:** When does the Government envisage that parliamentary sessions will be televised by GBC?

Clerk: Answer, the Hon. the Chief Minister.

795 **Hon. Chief Minister:** Mr Speaker, the intention of the Government is to provide a live stream of proceedings on a dedicated website of this Parliament.

That live stream will also be made available to GBC or to any other interested party. The Government IT Department have already started working on the specification of the cameras and systems required in order to facilitate the webcasting of the work of this Parliament.

800 **Hon. D A Feetham:** The original question referred to being televised by GBC. Is it the intention, at some stage, for proceedings of Parliament to be televised by GBC, with cameras here in the House?

805 **Hon. Chief Minister:** Mr Speaker, I think I have made very clear what the answer to that question is – in other words, that there will be cameras here and that the feed from these cameras will be made available to GBC. That would cause what is happening here to be broadcast by GBC.

Hon. D A Feetham: I understood the answer... I am not trying to be controversial; I just want to understand the answer.

810 I understood that it is going to be broadcast via the internet. Is it going to be also broadcast via conventional GBC broadcasting?

Hon. Chief Minister: Mr Speaker, I think the best way to deal with that question is to explain to the hon. Gentleman what happens in other parliaments. In other parliaments, the parliament itself films its proceedings and makes available the feed to such broadcaster as may wish it.

815 In the United Kingdom, there is a channel that broadcasts what happens in the UK in the House of Commons, but not just in the Commons, also what happens in some of the debating chambers, what happens in the Upper House etc. The feed is made available to the BBC by the parliament.

820 It is our intention that the Parliament should have control of its cameras and make the feed available. The hon. Gentleman will know that there is more than one entity now seeking to broadcast. There are some entities online that want to broadcast news, for example. The feed will be made available to everyone and anyone, whether a broadcaster or otherwise, who is sitting at their desk at work and is minded not just to listen to the proceedings on the radio but to watch us.

825 They might think that there are some handsome devils in this House, or beautiful ladies, that they might like to see and not just listen to! Well, Mr Speaker, they will be able to see them on our website, as well as that night on television if a broadcaster decides to extract some part of the proceedings for the news. Or, of course, one of the broadcasters could also make available on their channel what is being put out on the internet, if they so wished.

830 **Hon. D A Feetham:** What type of timescale are we talking about?

Hon. Chief Minister: Mr Speaker, the first time *I* talked about televising the proceedings of this parliament was in 2003, when I was first elected so, therefore, to the hon. Gentleman I will say that it is my intention that this should happen as soon as possible.

835 I know that already the IT Department are working very hard on this. I know there are some planned visits as early as next week by experts who have fitted the type of hardware required in other parliaments, and it may be that, therefore, hopefully before the summer we will have the systems in place to allow that, but, Mr Speaker, subject to this caveat: I do not think it is within the gift of the Government to simply say that this should happen. This exploratory work is going on on the basis of co-operation with your Parliament, but we would have to, I think, have a motion of this House before we can actually press the button to televise and
840 allow a camera in here.

Hon. P R Caruana: Mr Speaker, as I have understood the hon. Member, what he has explained is that the filming – to just choose a layman’s term – by parliamentary equipment. That will initially be put out on the internet and then the feed will be provided to any other broadcaster such as may want to broadcast it by any other medium – television, for example.
845

My supplementary is this: the hon. Member is aware that the quality of the broadcasting, the quality of the transmission, the quality of the equipment required for *internet* transmission differs significantly, or may differ significantly, from that required for the production of a signal which is of sufficiently high quality to be broadcastable by analogue or digital television. Will the hon. Member agree that, if that is the case, the
850 equipment and the systems in place would be such as to produce signal and broadcast of a standard both sufficient for the internet but also sufficient, if different, for broadcasting on analogue and digital television?

Hon. Chief Minister: Mr Speaker, I do not agree with him for technical reasons, but I think we are both wanting to go in the same direction.
855

I think that there are now cameras of the sort that are used for internet broadcasting which are of the same quality – and it is high-definition quality, HD quality – as the cameras that would be used for television broadcasting. The difficulty in getting the quality, Mr Speaker, is very often in the transmission. In other words, when it goes down the internet, there is a lot of quality loss, but our view is that it is possible to give
860 broadcasters – in other words, people who do not want to watch it on the internet – who want to produce television news programmes or live television feeds, a feed before the internet... so that, therefore, if there is any quality lost as a result of the internet here, it is not going to be suffered when people watch the video of it at home, because the HD cameras that we are intending to use, or believe it is possible to use, will be of the quality required for television, (*Interjection by Hon. P R Caruana*) whether that television is IP television or whether it is broadcast television, digitally broadcast or analogue broadcast television.

865 The hon. Gentleman, I think, will understand my example in this sense: it is possible to watch Prime Minister’s Question Time in the United Kingdom on the Downing Street website, but you get there internet-quality video. At the same time, simultaneously, it is possible to watch it on the BBC Parliament channel and some of the other news channels that consider that an event that should be broadcast. That is high-quality, transmission-quality video, and that is what we anticipate providing, those two types of feed.
870

Hon. D A Feetham: Will this be run by the Government IT Department, or is the Government proposing to go out to tender for this to be run by a company in the private sector?

875 **Hon. Chief Minister:** Mr Speaker, it very much depends on what the anticipated costs may be once we have had an indication of how much hardware is going to be required. It may be that there is a procurement process for third parties to provide and install the equipment, but that maintenance is then something that can be done by the Government’s in-house IT Department. So it may be a combination of both of those.

880

**Gibraltar Broadcasting Corporation
Government premises for relocation**

885 **Clerk:** Question 209, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm whether the Government will be making premises available for GBC for relocation?

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

Hon. Chief Minister: Mr Speaker, I will answer this question together with Question 222.

895

**Gibraltar Broadcasting Corporation
Government action on King Report**

900 **Clerk:** Question 222.

Hon. P R Caruana: Mr Speaker, have the Government yet decided on the best way to proceed in the light of the King Report into GBC?

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

Hon. Chief Minister: Mr Speaker, in relation to Question 209, yes.

In relation to Question 222, the Government had asked that GBC progress the appointment of a CEO designate. As a result, interviews were held and Mr Gerard Teuma was appointed. These were the things... the principal issue for us, Mr Speaker, as a result of the King Report.

910 We are progressing the move to digital as a matter of urgency because this was so delayed by the previous administration that it is now very urgent indeed.

Hon. P R Caruana: Mr Speaker, I think the hon. Member will agree that the King Report speaks about more than just premises and the need to appoint a permanent CEO. It is about the whole change in the culture and a whole series of restructures and things of that sort... programming.

915 Has the Government decided whether it wishes to pursue any of the aspects of the King Report beyond the ones that he has touched on – premises, switch to digital and appointment of a permanent CEO – which is not even a quarter of the King Report?

920 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is right. That is not even a quarter of the King Report, but he will also agree with me, I have no doubt, that they were some of the most fundamental issues that *did* arise from the King Report – in other words, the need to move out of premises that are no longer fit for purpose, and I think that, across the floor of the House, we would agree with that finding of Mr King; the need to have a proper management structure, in respect of which the appointment of a CEO designate, given that Mr King's own appointment expires next year, was also a very important matter. Of course, Mr Speaker, all of this pivots around the fact that there needs to be the capacity to broadcast; otherwise there can be no Gibraltar Broadcasting Corporation.

925 Mr Speaker, as the hon. Gentleman knows, the most urgent thing now is the move to digital, because if GBC is not digital by 31st December it will not be able to broadcast *at all*. There will be an analogue switch-off at midnight on 31st December, because that is now required by the EU and by various international agreements to which Gibraltar is a party.

930 Those, therefore, Mr Speaker, are for us the most important aspects of progressing the King Report. It is true, Mr Speaker, to say that there are other aspects of the King Report which we are considering with Mr King himself, who is still with us, and with the management of GBC, in order to ensure that we deliver the best broadcasting that we believe is available to our community.

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Hon. P R Caruana: Mr Speaker, would the hon. Member agree with me... I will agree with him that, certainly, the switch to digital has now become urgent and was always going to be a priority in 2012.

940 Will the hon. Member agree with me that it is simply too simplistic a view to think that if GBC had always had digital broadcasting and had always had a CEO and had always had spanking premises, it would not suffer from any of the issues that the King Report thinks need attention?

945 In other words, does he agree that, whilst I do not say it is illegitimate for him to start with those three issues, those are not... However important they may be and, indeed, however time urgent some of them may be, they are not what is fundamental about what needs to be re-jigged and restructured in GBC, that it actually goes much more deeper, very often into non-tangible things?

Hon. Chief Minister: Mr Speaker, I know that the hon. Gentleman will not want to agree with me when I tell him that, in fact, a lot of the things that he has talked about have become urgent.

950 Going digital, when zero investment almost has been made to date – in 11 months – is going to be a very hard slog indeed, but I am sure that we will make it, with the goodwill and the investment that is required, not just from the professionals at GBC but also from the regulatory authority.

955 Not having had a CEO, Mr Speaker, or even a general manager since the last general manager retired many years ago, before the 2007 Election, the hon. Gentleman will know, is an issue that he and I have disagreed about since the date of that retirement, when I was asking him, as shadow Member for Broadcasting and he was then Minister for Broadcasting, to go down the route of appointing a general manager. He took this community through a General Election with no general manager of GBC and a rotating headship.

960 Of course, Mr Speaker, it is true that there are other problems at GBC, other than just going digital and the appointment of a CEO designate. Of course, that is the case. That is the case in every organisation, Mr Speaker, but I am very confident that the good people of GBC, the fantastic professionals that we have up there will be able, with the right backing from this Government and the right level of investment, to produce the broadcasting that this community deserves in the second decade of the 21st century.

A Member: Hear, hear.

965

Direct Democracy First session this month

970 **Clerk:** Question 210, the Hon. D A Feetham.

Hon. D A Feetham: Will the Chief Minister confirm that the first session of his proposed system of direct democracy will commence this month?

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

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

980 **Hon. D A Feetham:** Can the Hon. the Chief Minister state what form this system of direct democracy will take?

985 **Hon. Chief Minister:** Not at this moment, Mr Speaker, because there are different forms that it will take in different quarters, in order to ensure that it is as accessible as possible to the different people who may be interested in accessing us directly.

For example, it may be that there are some social media sessions which enable people to put questions through social media and for the Government to answer those questions through social media. It may be that there is a more traditional sort of session where the Chief Minister appears on television to answer questions from a live audience or from telephone calls. All of that, of course, will require GBC to be involved, or any other broadcaster that may be interested in carrying it.

990 Mr Speaker, it is very likely that one of the options for the first quarter will have been chosen and announced by the end of next week. It is very likely, Mr Speaker, that we will choose to change the option

that we go for each quarter, so that different people who feel more comfortable with different sorts of media will find it easier to access us in each quarter.

995

Hon. P R Caruana: Mr Speaker, does the hon. Member agree – would he agree with me – that, to the extent that he uses GBC as a platform for what he calls ‘direct democracy’, GBC would have an obligation under their charter and statute to balance that with equivalent or commensurate facilities to the other side of this House?

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Hon. Chief Minister: Mr Speaker, I am very happy to consider that with the hon. Gentleman, if he wishes, but of course he is (*Interjection by Hon. P R Caruana*) as able to open himself up to questions on Twitter or on Facebook as I am, without engaging GBC in its obligations. But it is an issue that would have to be considered in respect of *any* aspect of direct democracy that is carried on the national broadcaster, that is a statutory body.

1005

New Union in Gibraltar Support by GSLP activists

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Clerk: Question 211, the Hon. D A Feetham.

Hon. D A Feetham: Is the Government supportive of the attempts by GSLP activists to form a new Union in Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government respects the right and freedom of association of workers and our policy is to positively engage with all trade unions that exist in Gibraltar.

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It is not the policy of the Government to discourage or support the formation of new unions. Freedom of association and the freedom to form unions are fundamental rights.

Hon. D A Feetham: Is he aware that, in fact, the main movers – the ringleaders in relation to this particular union – are GSLP members and at least one GSLP executive member; and is he not aware that GSLP headquarters is also used for the same purpose?

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Hon. Chief Minister: Mr Speaker, I do not recognise any of the pejorative things that the hon. Gentleman is suggesting, (*Interjection*) but I do have my own personal union card, which still says ‘T&G’ and it is a Unite card.

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Hon. D A Feetham: There was nothing pejorative in the question, but does he not accept –

Mr Speaker: The word ‘ringleader’ was pejorative.

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Hon. D A Feetham: Does he not accept –

Mr Speaker: The word ‘ringleader’ only applies to someone who is engaged in an activity that is distasteful, at the very least.

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Hon. D A Feetham: Well, I have to say that that was not my understanding of the term ‘ringleader’ –

Mr Speaker: If it was not intended, then it is understood.

1045

Hon. D A Feetham: But, in any event, does he not accept that, in fact, if he wanted to, he could put a stop to it by instructing his colleagues within the GSLP executive to actually put a stop to the attempt to create a new union? And is it not the case that this is an attempt, in fact, to undermine Unite and its leadership?

Hon. Chief Minister: Mr Speaker, first of all, I do not come from a political party where we tell people what to do.

1050 Second, the freedom to associate and the right to establish unions, as far as I am concerned, is so fundamental that I would never be involved in telling people what they should or should not do.

Mr Speaker, frankly, to put all that into a parcel and present it as an attempt to undermine Unite really is just the hon. Gentleman trying to imagine himself into a better political advantage than the one he is in.

1055 The fact is, Mr Speaker, that I enjoy *excellent* relationships with *all* the trade unions in Gibraltar: with Unite, with the Taxi Association, with the GGCA and with the Teachers' Association.

I should stop there, Mr Speaker, and congratulate the Teachers' Association for having achieved, today, 50 years of representation of those teachers in our schools. (*Applause*)

Mr Speaker, the hon. Gentleman will be very disappointed to know that I had dinner last night with Kevin Coyne from Unite, the union, and he came to visit me this morning in my office.

1060 **Hon P R Caruana:** Did he apologise to you?

Hon. D A Feetham: Mr Speaker, no doubt the hon. Gentleman says that he has excellent relations with Unite and with its leadership. From answers to questions yesterday by the hon. Member to his left, your position is completely in contrast with the position of the hon. Member, Mr Bossano.

1065 Is there a division in the Government in relation to this particular issue and in relation to the position that you, as Chief Minister, are taking and the position that the hon. Member, Mr Bossano... the more aggressive position that the hon. Member, Mr Bossano, is taking in relation to sponsorship of this new union?

1070 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman wants to misinterpret everything he is told.

I was delighted to listen to the debate yesterday after I left and all I heard was that the Hon. Mr Bossano was very rightly stating that he is not the Minister with responsibility for industrial relations – that I am – and that, therefore, I see unions when they want to negotiate directly with the Government.

1075 The hon. Gentleman wants to see division where there is none because it is in his political interest that there should exist division. He wishes we were divided, Mr Speaker. He wishes we were acting against one union in order to favour another so that he could sow his seed of dissent and make it grow, so that it might elevate him into the post that he so covets. It is just not there, Mr Speaker.

1080 **Hon. D A Feetham:** Mr Speaker, does he think that it is appropriate for the former Leader of the Opposition, Mr Bossano, to actually say that the leadership of Unite could not spell the term or the word 'duress'? Does he think that is appropriate? And does he not agree with me that that is indicative of the hostility that Mr Bossano feels towards the leadership of Unite?

1085 **Hon. Chief Minister:** Mr Speaker, I think that we say a lot of things across the floor of this House in jest and in the heat of the parliamentary moment, (*Interjections*) but I must say that, of course, Mr Bossano must have been absolutely right, given that the post of leadership of Unite at the moment is vacant, as he knows, and there is nobody there.

Hon. D A Feetham: Did he discuss the leadership of Unite yesterday with Mr Coyne at the dinner?

1090 **Hon. Chief Minister:** Mr Speaker, I had a fantastic dinner last night with Mr Coyne. We discussed many things, none of which I am going to refer to the hon. Gentleman. I discussed them, Mr Speaker, with Mr Coyne as a member of the union that he represents and as Chief Minister of Gibraltar.

1095 I must tell him that we had a fantastic dinner and however hard he tries to sow that seed of dissent, it is just not going to take, Mr Speaker. The soil ain't fertile for this.

Hon. D A Feetham: Mr Speaker, I did not ask the hon. Gentleman as to whether the swordfish that he had last night tasted good or not. I have asked him whether he has discussed the issue of the leadership of Unite: yes, or no?

1100 May I ask another supplementary question linked to this? Has he, on any previous occasion, written or spoken to Mr Coyne or the UK Unite about the leadership of Unite in Gibraltar?

1105 **Hon. Chief Minister:** Mr Speaker, I am not going to tell the hon. Gentleman what I discuss over dinner with people. I just do not think I am accountable, but I will say this: I did not have swordfish – and I should not be telling the hon. Gentleman because my wife thinks I am on a diet and I am having fish – but I had beef. *(Laughter)*

I will say this, Mr Speaker: in my capacity as Chief Minister of Gibraltar and in any other capacity, I have not written to anyone about the leadership of Unite. I hope that gives the hon. Gentleman the satisfaction that he is obviously looking for.

1110 **Hon. D A Feetham:** What about in a previous incarnation?

Hon. Chief Minister: Mr Speaker –

1115 **Mr Speaker:** I do not think that needs answering. It is not a question. Next question.

1120 **Overall Government revenue and expenditure
Current financial year as at 31st January 2012**

Clerk: Question 212, the Hon. P R Caruana.

1125 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what is the overall Government revenue and expenditure in the current financial year, as at 31st January 2012?

Clerk: Answer, the Hon. the Chief Minister.

1130 **Hon. Chief Minister:** Mr Speaker, I will answer this Question together with Questions 213 to 217.

1135 **Consolidated Fund to the Statutory Benefits Fund
Payments since 18th January 2012**

Clerk: Question 213.

1140 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether any payments have yet been made from the Consolidated Fund to the Statutory Benefits Fund pursuant to his public statement of 18th January 2012?

1145 **Consolidated Fund to the Statutory Benefits Fund
Payments to any Special Fund, Government-owned company or statutory corporation since 9th
December 2011**

Clerk: Question 214.

1150 **Hon. P R Caruana:** Question 214 or 217, did you say? Question 214 and 217?

Hon. Chief Minister: Questions 214, 215, 216 and 217.

1155 **Hon. P R Caruana:** Oh, I see.

Can the Chief Minister say what is the total amount of payments that have been made from the Consolidated Fund to any Special Fund, Government-owned company or statutory corporation since 9th

December 2011, giving the total amount for each?

1160

**Aggregate public debt
Breakdown by bank loans, bank and Government debentures**

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Clerk: Question 215.

Hon. P R Caruana: Can the Chief Minister give a breakdown, as at 31st January 2012, of aggregate public debt by bank loans and bank and each different issue of Government debenture?

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**Aggregate public debt and Government cash reserves
As at 31st January 2012**

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Clerk: Question 216.

Hon. P R Caruana: Will the Chief Minister say what were the aggregate public debt and the Government cash reserves as at 31st January 2012?

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**Gibraltar Savings Bank
Nominal value of debentures or other debt security issued since 9th December 2011**

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Clerk: Question 217.

Hon. P R Caruana: And, last but not least, will the Chief Minister say how much, by nominal value, has been issued in debentures or other debt security by the Gibraltar Savings Bank since 9th December 2011, giving a breakdown in respect of each such issue?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, tentative overall revenue in the current financial year to 31st January 2012 stood at £351.6 million, and the tentative overall expenditure stood at £318.7 million.

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No payments have yet been made from the Consolidated Fund to the Statutory Benefits Fund.

No payments have been made to any of the Special Funds since 9th December that were not already approved by Parliament in the estimates and the Budget debate. If any payments above those set out in the Budget are required, these will be provided for in a Supplementary Appropriation Bill.

1200

We will not be providing a breakdown by month, as that is just a snapshot of the internal accounts of the Government, which will be constantly changing. At the end of the financial year, in less than six weeks, the Member opposite will see the position reflected in the estimates. In respect of advances to Government companies, a further £1 million has been advanced since 8th December, when he left office.

In respect of Question 215, Mr Speaker, I will hand the hon. Gentleman a statement with the information requested in a moment. *(See following page)*

1205

Mr Speaker, as at 31st January 2012, the aggregate public debt stood at £524.4 million. The cash reserves on that date stood at £224.5 million.

I hand the hon. Gentleman a statement with the information requested in Question 217. *(See following page)*

1210

Hon. P R Caruana: Mr Speaker, did I correctly interpret the hon. Member's statement of 18th January 2012 to mean that the Government intends, before the close of this financial year, to make a payment from the Consolidated Fund into the Statutory Benefits Fund, equivalent to the shortfall in revenue over expenditure in

the Statutory Benefits Fund, not just in this current financial year, but in respect of previous financial years as well?

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Hon. Chief Minister: Mr Speaker, what I have said – and I think I said it also in the statement that I made to the nation on 18th January – was that it was going to be, in fact, a further £2.5 million that was going to be required. So a total of £10 million will be contributed this year, instead of £7.5 million.

ANSWER TO QUESTION 217 of 2012

Answer to Question 215

Summary of Public Debt as at 31st January 2012

1. Government of Gibraltar Debentures

	<u>Maturity</u> <u>Date:</u>		
Pensioners' Monthly Income Debentures		£51,543,100	
Monthly Income Debentures		£11,516,300	
Special Issue of Monthly Income Debentures 2008		£51,657,300	
Limited Issue of 3-Year Fixed Monthly Income Debentures	30/06/2012	£22,375,700	
Limited Issue of 3-Year Fixed Monthly Income Debentures	31/12/2012	£33,488,400	
Limited Issue of Fixed Monthly Income Debentures	31/12/2013	£15,188,000	
Limited Issue of Fixed Monthly Income Debentures	31/12/2015	£70,304,300	
Limited Issue of Fixed Monthly Income Debentures	28/02/2017	<u>£68,305,800</u>	
			£324,378,900

2. Commercial Loans (Bank Revolving Facilities)

Barclays Bank PLC	£150,000,000	
Natwest Offshore Ltd	<u>£50,000,000</u>	
Total Commercial Loans		£200,000,000
Total Public Debt as at : 31/01/2012		<u>£524,378,900</u>

ANSWER TO QUESTION 217 of 2012

Answer to Question 217

The Gibraltar Savings Bank has issued the following Debentures and Bonds from the 9th December 2011 to the 14th February 2012:

	Total Issues
Monthly Income Debentures (Issued 17 January 2012)	£192,800.00
3-Year Fixed Maturity Monthly Income Debentures (1 February 2015)	£384,100.00
5-Year Fixed Maturity Monthly Income Debentures (1 February 2017)	£10,861,200.00
10-Year Accumulator Bonds	£481,800.00
	<u>£11,919,900.00</u>

1220

Hon. J J Bossano: To meet this year's...

Hon. Chief Minister: To meet this year's shortfall.

Hon. P R Caruana: So, when he said in his statement about an adjustment in respect of previous years, that is not... The intention behind whatever that statement may have meant was not that in this financial year

1225 the Consolidated Fund would be charged with previous years' 'shortfall'?

Hon. Chief Minister: No, Mr Speaker. It was that we were going to be making provision as from this year – what we consider to be adequate provision as from this year – and there would be a note below the line in respect of what was required in other years.

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Hon. P R Caruana: But his statement, does he not recall, treated separately what was required, in their view, for this year, and then went on to say:

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'... and we will be restating, we will be providing an amount in respect of the alleged shortfall...'

– well, 'alleged shortfall'; there was a shortfall of revenue over expenditure –

'...in previous years.'

1240

That is what he said and I am just trying to... The obvious meaning of the words, unless they mean something other than the obvious, is that they were going to make a one-off provision in respect of *past* years' alleged shortfalls *in addition to* this year's.

1245

Hon. Chief Minister: Mr Speaker, I think that he is confusing what I said in respect of companies and what I said in respect of the Statutory Benefits Fund. I am quite happy to read him what I said in respect of the Statutory Benefits Fund so that it is clear. I said this, Mr Speaker:

'The figures presented by Mr Caruana to the Parliament...'

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– I say 'Mr Caruana' instead of 'the hon. Gentleman' because that is what I said in my statement –

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'... in the estimates did not reflect this as part of the Government's own recurrent spending. Neither does this take into account the reduction in the reserves of the Statutory Benefits Fund, from which we pay old age pensions, in respect of which we will have to increase the provision from £7.5 million by a further £2.5 million required to keep the Fund at the same level at which it was at the beginning of the year. That will further reduce the surplus.'

That is all I said.

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Hon. P R Caruana: Carry on.

Hon. Chief Minister: That is all I said.

Hon. P R Caruana: Next sentence.

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Hon. Chief Minister: Mr Speaker, then I said:

'The surplus for the current year will therefore be recalculated to give you a true and fully accurate picture by including the recurrent losses of Government companies and by reflecting the additional funding required by the Statutory Benefits Fund.'

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Hon. P R Caruana: So, when he lumps that last reference to the Statutory Benefits Fund, the last words that he has uttered, he lumps them with a reference to company balances, *both* in respect of previous years, leading me to believe that both related to previous years' shortfalls.

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Hon. Chief Minister: No, Mr Speaker. I think my statement is very clear. He has had an opportunity to reply on the national broadcaster, too. He knows my views; I know his views. I think that, on this, my statement is abundantly clear.

Clerk: Question...

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Hon. P R Caruana: Mr Speaker, can the hon. Member say whether Gibraltar Government debentures, as opposed to Savings Bank debentures, are still open for public subscription?

Hon. Chief Minister: Mr Speaker, I understand that they are no longer available.

1285 **Hon. P R Caruana:** So that, in fact, local savers may now only invest in the Savings Bank, where it does not reckon as public debt, as opposed to in the Gibraltar Government, where it does reckon as public debt, even though the Savings Bank is guaranteed by the Gibraltar Government?

Hon. Chief Minister: Yes, Mr Speaker, that is the position.

1290 **Hon. P R Caruana:** Mr Speaker, it was a little bit difficult for me to follow exactly which of the questions he was answering.

When he said that he will not give me monthly information, was that in relation to the amount paid by the Consolidated Fund for any special Government or Government-owned statutory corporation? I did not ask for that...

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Hon. Chief Minister: That is right, Mr Speaker, it was in relation to that, but I did give him the amount in respect of companies, which was £1 million.

1300 **Hon. P R Caruana:** Yes, but I did not ask for it on a monthly basis; I asked for it as at a certain date. Is he saying that he is going to refuse to answer this question *next* month?

Hon. Chief Minister: Mr Speaker, the advice that I have is that that is a snapshot picture which would change and means absolutely nothing and that, in fact, the contributions to the funds are made at the end of the financial year, and I think that has always been the position.

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I think I also said, Mr Speaker, that in six weeks, in effect, he will know what the position is going to be.

**Government procurement since 9th December 2011
Goods and services obtained without tender**

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Clerk: Question 218, the Hon. P R Caruana.

1315 **Hon. P R Caruana:** Mr Speaker, can Government say what goods and services have been procured by Government since 9th December 2011 without going out to tender?

Clerk: Answer, the Hon. the Chief Minister.

1320 **Hon. Chief Minister:** Mr Speaker, as the hon. Member knows, there is currently a backlog of EU directives dating back to 2004 that are pending transposition into Gibraltar law that relate to procurement. In line with its manifesto commitment, this Government will prioritise transposing into Gibraltar law *all* EU directives on procurement, including those that relate to the procurement of services.

1325 It is anticipated that these directives will be made law very shortly. It is this Government's policy that all goods and services which are above the prescribed tender thresholds set out in those directives are to be put out to tender, as required by law. The Government is not aware, having checked with the Treasury and the Procurement Office, of any goods or services provided for in these laws or above these thresholds which have been procured without going out to tender.

1330 **Hon. P R Caruana:** Mr Speaker, the hon. Members' answer is neither an answer to my question, nor is it consistent with an answer that he gave me in last month's Parliament.

I have not asked him what procurement has been done of goods and services above the value threshold which are mandatory to be by public tender under EU directives. I have asked him what has been... You do not need an EU directive to go out to tender for every amount if it is your policy to go out to tender for any amount.

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Last month, he told this House, without reference to EU directives, that it was the policy of his Government that, 'save in the case of urgency and other exigencies' – his exact words – it was the policy of

1340 his Government that all procurements of goods and services should be by tender. That has nothing to do, will he not agree with me, with EU directives? Has the policy, therefore, changed during the last month, such that it is no longer the policy as it was last month that *all* goods and services will be procured by public tender, save urgency and exigency, to the one that he *appears* to have described by his answer today, which is that he will go out to tender above the EU requirement threshold when he has got round to doing those laws? Is it last month's, or is that the position today?

1345 **Hon. Chief Minister:** Mr Speaker, I do not recognise any inconsistency in what I said last month and what I am saying this month.

In fact, Mr Speaker, I do not believe that we have gone out for any goods or services to be procured that have not gone out either to tender or they have been dealt with in accordance with people who have pre-qualified to make, supply even, services to the Government.

1350 **Hon. P R Caruana:** The answer is none.

Hon. Chief Minister: Well, exactly.

1355 **Hon. P R Caruana:** The answer to my question is none...

Mr Speaker: Order! Order!

1360 **Hon. Chief Minister:** Mr Speaker, therefore what I said to the hon. Gentleman was that, in checking with the Treasury and the Procurement Office, we do not believe that there was *any* procurement in excess of those thresholds.

1365 Mr Speaker, if this has suggested that the thresholds are only the EU thresholds, then it should not have suggested it because the position is that we *will* go out to tender for *any* goods and services that we need to obtain for the Government, other than in cases of urgency or exigency, either with a tender per item or by pre-approving people to provide things for the Government which it would just be impossible to be going out to tender for.

Hon. P R Caruana: But, Mr Speaker, that is not what he has told me in his answer.

1370 My question does not relate to EU directives and what he has told me, when he first answered the question and indeed just repeated, is that he has checked with the Treasury and, as far as he can see, there are no procurements that have not gone out to tender above the threshold that would be required by the EU directives.

1375 My question does not relate... or is not benchmarked against any EU directives. My question is because last time he told me that it was the Government policy *regardless* of EU directives. EU directives are mandatory tenders above a certain level. He told me last month that it was in any event the Government's policy to go out to tender for everything, even below the EU threshold of mandatoriness except for – I keep on saying it, so that I am not misquoting him – ‘urgency and other exigencies’.

1380 So I am asking him what has been procured by tender to which he can say, ‘I don't know’ or ‘I think nothing’ but [*inaudible*] so by reference to would have required an EU process under tender. Does he understand my predicament?

Hon. Chief Minister: Mr Speaker, I understand what the hon. Gentleman is saying. I believed I was saying clearly and I am happy to say clearly, nothing has been procured other than by tender or by the pre-tendering procedure that makes services available to Government from people who have pre-qualified.

1385 **Hon. P R Caruana:** Because the reason why I am asking this question, Mr Speaker, is not because I am particularly interested in this point in what might or might not have been procured by tender, but because last month I did not make a great deal of progress with the hon. Member in extracting from him what he meant by ‘other exigencies’. I can understand, because I have been sitting on that side for many years, that there are occasions where urgency of the need to procure make it impractical for the Government to go out to tender. If something breaks down, if there is an emergency, there are any number of circumstances of *genuine urgency* where it would be quite absurd to expect the Government to delay the procurement by the period of time that

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the tender process requires. That part of his answer last month caused me, therefore, no difficulty.

1395 But I was a little bit concerned by the undefined width of the term 'or other exigencies'. 'Other exigencies' unless further defined could mean *anything at all* that they think.... So, in other words, emergencies or other exigencies *could* mean – is capable of meaning – emergencies or whenever the Government decides not to put it to the tender process, and I am just trying to get him to... through an interpretation of his examples – of which there are none, apparently, this last month – but he can do it dialectically across the floor of the House now if he wants to, to try and assist me further with what the Government understands and is there some curtailment, therefore, to the concept of 'other exigencies'?

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Hon. Chief Minister: Mr Speaker, there is absolutely no intention in this Government of granting contracts for services for many millions of pounds without going out to tender, as was the case before 9th December, when we came into office. It is not the intention of this Government to procure anything other than by tender, unless there is a great urgency or other exigency.

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There may be exigencies which are not urgent, Mr Speaker. It is not urgency alone that will drive us to have to procure something by tender, but what I want the hon. Gentleman to understand is that we would have to be in a very difficult position *absent* urgency, before going down the route of procuring something other than by tender, because we think that is the fairest system and that is the best way for us to ensure that we are getting the best value for money for the people.

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Now, he says that he can understand the need on some occasions not to go out to tender. Mr Speaker, I know that he and I have debated in this House things which have been procured for Government which were not procured through tender, not as a result of any urgency. So he himself must understand that there are other exigencies, absent urgency, which sometimes may drive you to have to procure something not by tender. He and I have disagreed about what those exigencies were for *him*. I hope that if they ever come to us – and it may be that they never do – he and I may not disagree about it being an exigency.

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If it is helpful, Mr Speaker, it would have to be, for my Government, 'Man bites dog' that we go out to procure something not by tender for a reason other than urgency.

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Hon. P R Caruana: Well, Mr Speaker, I know that that is the stated policy – I have heard it before – of this new Government. When he refers in his answer, unlike the previous Government, absolutely right, it was *not* the policy of the previous Government – as, indeed, it has never been the policy of any Gibraltar Government before.

1425

Let us leave to one side the question of EU directives. It has never been the policy of *any* Gibraltar Government – GSD, GSLP, AACR, IWBP before it – to go out to tender for the procurement of professional services. Those professional services, as the hon. Member well knows to his benefit, include legal fees, as it does architect services, as it does engineering services.

1430

Now, this Government is, of course, free to reverse that longstanding position... I think, if he wants, as an aside, in the anteroom or on some other private occasion, I can tell him why *I* think previous Gibraltar Governments did not go down the tender route for professional services, but that is a different matter. They are certainly free to take a different view.

1435

But will the hon. Member agree with me that the tender process practice is one that if the hon. Members apply, as they say, to everything except urgent matters and over his.... he has not quite said 'over his dead body', but over a very sceptical Chief Minister that would have to be persuaded, as a definition of exigency, will he agree with me that it is reasonable for us then to interpret his answer – which I think *does* take the debate further than he took it last month – that given the height to which he has raised the threshold – not the urgency threshold; the 'other exigencies' threshold that he has personally just raised it to – it would be legitimate of us in this House to continue to ask him of the occasions upon which he has been persuaded, despite his great scepticism and personal commitment to the contrary, to go down the non-tender route?

1440

Hon. Chief Minister: Mr Speaker, yes. And if there is a reason which is grounded in public security or public policy, I would ask him to accept that I should tell him behind the Speaker's Chair, rather than across the floor of the House.

1445

Hon. P R Caruana: Of course.

Hon. Chief Minister: But, look, I want to be accountable for my actions, and it is the hon. Member's job

to make me accountable for my actions. I do not want the Government to be spending its money based on preference or favour to any particular person providing any particular goods.

1450 Now, there is a mechanism, which is this pre-authorisation mechanism, which means that people pre-qualify to provide goods and services to the Government. I think that is an important –

Hon. P R Caruana: By tender.

1455 **Hon. Chief Minister:** Well, that is a tender –

Hon. P R Caruana: Long-term tender.

1460 **Hon. Chief Minister:** – but it is long-term supply tender, which I think, frankly, works in keeping Government going, in all the things that it needs to be getting which are not exceptional. I know that the stock of wine gums that the hon. Gentleman used to have is running out, and I am assuming we are not going to issue an advert to see who is going to replace them – although again, that is an issue that affects my diet and we may be getting dried fruit instead of wine gums when they have run out!

1465 But, Mr Speaker, otherwise yes, I would expect that this is the sort of thing that, when it happens, is something that we can debate.

Hon. P R Caruana: I do not know whether to interpret that, Mr Speaker, as an admission on his part that he is in greater need of dieting than I am! (**Hon. Chief Minister:** Absolutely!)

1470 Mr Speaker, when I have asked him... I am grateful to him for his last substantive answer and I note the degree at which he has put the threshold. When I have asked him for examples today, he has prefixed his answer by saying, ‘I have asked the Financial Secretary’ – or whoever he said he had asked – ‘and as far as I am aware...’ etc, etc. Given the importance that he attaches, according to what he has just said, to the non-urgent out-of-tender procurement being an exception of which he should be persuaded, does he think it is appropriate that all procuring Department heads should be aware of the strength of the Government’s policy position on this matter, that any exceptions therefore should be reported and recorded in his Office, so that the next time I ask him he is able to say, ‘There have been none’ or ‘There have been the following ones’? But if all he can ever tell me – because I realise, where he sits in No 6, he does not see the whole of the Government machinery – if he is always going to come back to this House and say, ‘I have asked, and no-one has told me there have been any’, that is not reliably forensic about whether or not it has happened.

1480 **Hon. Chief Minister:** Mr Speaker, it is the policy of the Government that that should be the case, and it is the set-out policy of the Government, because the hon. Gentleman is asking me, based on the fact that he knows it is the policy of the Government.

1485 I think when we started this debate last time, he was referring to statements in our manifesto before the Election or otherwise, so I would have thought, Mr Speaker, that anybody who is procuring services for the Government is procuring it in line with the Government’s rules for procurement and the policy of the Government. Absolutely, it is something that if somebody is going to go outside these rules, they will have to persuade the political Government – not necessarily me; their Minister who has been present in this debate – that they are going outside the tender procurement process, in order to obtain relevant goods and services for the Government – absolutely.

1490

Paperless Government initiative
Storage, preservation, retrieval and audit of electronic communications

1495

Clerk: Question 219, the Hon. P R Caruana.

1500 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister confirm that its paperless Government... This is at the risk of being called – what was it? (**Hon. Chief Minister:** Luddite.) A Luddite, yes.

Can the Chief Minister confirm that its paperless Government initiatives will allow and require e-mail correspondence and other paperless communications to be safely stored, preserved and retrieved and audited

indefinitely in the future?

1505 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government has in place IT measures within the corporate network to securely store, preserve and retrieve any information held electronically for as long as required – and I will not pretend that has been done since 8th December.

1510 Provisions for archiving and search and discovery solutions are currently being made in order to implement what is called ‘data auditing’. This has been an ongoing improvement, commenced before 8th December. I am advised by the Government’s own IT technicians that these tools will enable the Government to use powerful analytics, in order to comply with regulations, as well as to maintain audit trails, manage and enforce corporate policies on any Government-retained electronic information – which I think, Mr Speaker, is to say ‘yes’ to the question that he has asked, in technical jargon.

1515 **Hon. P R Caruana:** Well, if you humour a Luddite for a while longer, Mr Speaker, this Luddite has it in his mind that, with a paper file, if somebody wants to review and research and audit and to look at the papers relating to a matter, it is all in a paper file, marked this or that.

1520 Is it implicit in the answer that he has just given me and the technical jargon that he has used in it that these records will be searchable as if they were all sitting in the same file, physically?

Hon. Chief Minister: Yes, Mr Speaker, and my experience from using a similar system in private practice suggests that it is actually easier to find when they are in this form, once the system is up and running, than if they are in a paper file because, usually, documents are indexed either in a way that every word on the page is available to search for, or the document – if it is a document not created by a computer, but something scanned into a computer – is given tag words to enable the document to be found when those tag words are put in or it can be found by date order – which is probably the way the hon. Gentleman will go to a file, to look for something that he remembered, in other words, either looking for the specific word or document or looking around the date that it might have been created.

1530 Mr Speaker, it is in my view the right initiative, if we are also going to make archived material available because, as we start going forward and we create new material, it will be easier to archive and make available.

1535 I am quite happy to say to the hon. Gentleman, Mr Speaker, that e-mail – at the pain of being called a Luddite myself, which I do not think I am going to encourage – can sometimes be a curse and people can say short things in internal communications – ‘Okay’ or ‘See you later’ – the sort of thing you might not usually have archived and might have been a telephone conversation, which will be there forever.

1540 So people who are using e-mail now need to know that those things will be searchable and available and they need to say to friends that this is a work e-mail address and it is the Government e-mail address that will be the Government’s archive. But, yes, Mr Speaker, it should all be searchable and kept for good in this format.

Hon. P R Caruana: I am grateful to the hon. Member, and will it – I mean it is not necessarily implicit in the fact that it can be done, that it will be done – is it the Government’s intention that, once this system is in place and up and running, which I acknowledge is not yet, that the creation of paper copies will be discouraged, so that the Government is going to try and get used to working without paper, so if somebody sends an e-mail with an attachment, with a document attached, people will be discouraged – or not required, at least – to print them out and put them in a file? In other words, is that the philosophy or the policy? So, because it is searchable and auditable and all that, in order to get the principle – yes, I think he has understood the question – that people will not be expected to keep a paper file as well?

1550 **Hon Chief Minister:** With this nuance that, operating a paperless office does not mean that you do not print things out *ever*, because, very often – we are human beings – we sometimes appear to be able to interact better with a piece of paper, if we are checking an agreement, than we can with a screen. So, very often, people, when they are receiving documents that they need to work on, will want to print them at least as working copies and they will not necessarily want to shred that: they may want to put it in a file, in order to

1555 keep it with their notes etc.
So, what is happening already is that people, Ministers in particular, are looking at things on screens

where that is viable. It is not, Mr Speaker, that this system is not already in place, it is that it is being improved and I recognise that if it is already in place, it must have been put in place, as a matter of good IT management, before 8th December.

1560 He may have noticed, Mr Speaker, that even in Parliament each Minister is only bringing copies of their own questions in paper form. Copies of questions being answered by other Ministers are being made available to the Ministers – in the old days, people will recall, they all brought copies of everybody else’s – on their iPads, so they are able to follow which question I am on and the answer that I am programmed to give on their iPads. Some of them have more –

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Hon. P R Caruana: If he will supply iPads to the Opposition, we will do the same!

The Chief Minister: Mr Speaker, I am perfectly open to an Opposition request that the taxpayer should provide them with iPads. That is absolutely no problem at all. Some of my members are more or less enamoured of their iPads. Most of them have taken to them like ducks to water and we save an amount of paper there.

1570

Mr Speaker, the hope is, and the aim is, not just of this Government, but I am sure of many professional organisations and many governments, to be able to cut down the amount of paper that we use, so far as is reasonable, without affecting how we have records for ever of the things that we are doing and it is in the interests of our community that we should for ever have records of. In fact, the whole aim is to make those records more permanent, more lasting and more easily searchable within the confines of political conventions.

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1580

**Government advertising
Cost of local media spend since 9th December 2011**

Clerk: Question 220, the Hon. P R Caruana.

1585

Hon. P R Caruana: Mr Speaker, will the Chief Minister say how much advertising by monetary cost has been placed by the Government since 9th December 2011 with (1) the *Gibraltar Chronicle* (2) the *Panorama* (3) the *7 Days* (4) the *New People* and (5) any other Gibraltar newspaper or magazine?

And I hope that is not too far from the way he used to formulate the questions.

1590

Clerk: Answer, the Hon. the Chief Minister.

The Chief Minister: Mr Speaker, the Government has been invoiced £6,363.85, of which £1,400 has been paid and £3,963.85 is pending payment. Costs by newspapers is broken down as follows since 9th December.

1595

The *Gibraltar Chronicle* has invoiced £4,404 and had £1,400 paid and £3,004 is pending payment.

The *Panorama* has invoiced £1,669.85 and that amount is pending payment.

Gibsport has invoiced £290 and that amount is pending payment.

The *7 Days* newspaper has not invoiced anything and has not been paid anything and the *New People* newspaper has neither invoiced anything nor had any advert placed and has, therefore, not been paid anything.

1600

This information is now being made available on a monthly basis on the Government website, worked out on the basis of what has actually been paid and not on the basis of ‘monetary cost’. If I could just say to the hon. Gentleman, I think I used to ask what has been paid and when he has put the question in terms of monetary cost, he has made us think whether he was asking us what adverts had been placed, not yet invoiced for and not yet paid, which, I am told, we could not work out.

1605

He may be interested to know that the information which is now on the website actually goes back to the 24th June 2011, the day after he last answered my question. So whoever is interested can continue to trace through the time since I last asked the question in this House, what amounts had been paid to any of the relevant publications.

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This, in my view, Mr Speaker, is information that should have been up in January. It was not up in January, it is now February and the hon. Gentleman has had to ask the question for us to realise that it was not on the website. It will now be on the website on a monthly basis, so he can ask questions arising from the

data, rather than having to ask for the data.

1615

See following page.

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker,

The Government has been invoiced £6363.85 of which £1400 has been paid and £3963.85 is pending payment.

Cost by newspapers is broken down as follows.

	Invoiced	Paid	Pending Payment
Gibraltar Chronicle	£4404.00	£1400.00	£3004.00
Panorama	£1669.85	-	£1669.85
Gibsport	£290.00	-	£290.00
7 Days	-	-	-
The New People	-	-	-

This information is now being made available on a monthly basis on the government website worked out on the basis of what has actually been paid and not on the basis of "monetary cost".

1620

Gibraltar Chronicle

Government contribution to occupational pension arrangements

Clerk: Question 221, the Hon. P R Caruana.

1625

Hon. P R Caruana: Yes, Mr Speaker.

Can the Chief Minister say whether the Government is committed to paying, or intends to make any payment, from public funds towards the past or present occupational pension arrangements of the past or present employees of the *Gibraltar Chronicle* newspaper or Gibraltar Chronicle Printers?

1630

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, no sir.

1635

Hon. P R Caruana: Mr Speaker, will the hon. Member confirm that his 'no' is a comprehensive 'no' on the subject matter, and not 'no' to the question as formulated. In other words, that it is not the Government's intention to fund in any way, directly or indirectly, the pensions liability of a company that it does not own, such as the *Gibraltar Chronicle*?

1640

Hon. Chief Minister: Mr Speaker, although I should only be answering the question as asked, but his interpretation is correct.

1645

**Government decision on proceeding
Runway tunnel and new power station**

Clerk: Question 223, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker... no.

Clerk: 223.

1655

Hon. P R Caruana: Mr Speaker, will the Chief Minister say whether the Government has yet decided whether it will proceed with (1) building the tunnel under the Eastern Beach end of the runway and (2) a new power station at Lathbury Barracks Parade Ground?

Clerk: Answer, the Hon. the Chief Minister.

1660

Hon. Chief Minister: Mr Speaker, in respect of the project relating to the tunnel under the runway, the Government is going to tender for the completion of the works. This will require an EU procurement procedure.

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In respect of the proposed new power station at Lathbury Barracks Parade Ground, the Government is in advanced negotiations with the joint venture partners, Volker Stevin Construction Europe and ETDE S.A., to determine whether we will proceed with the project as presently envisaged, or with modifications.

Hon. P R Caruana: I acknowledge two things. (1) the conversation we had last week about legal implications and I also acknowledge the fact that because the Government goes out to tender, does not mean it is obliged to proceed with actually carrying out the project.

1670

Can I ask the hon. Member, subject to those two caveats, whether the answer means that, in principle, they have decided, as a matter of policy, to proceed with a power station, if the price is right, can be right, can be made right, in their view and a tunnel, if the price is one that they are happy to accept on the conclusion of that tender? So what I am trying to find out is whether there is now political commitment to the concept of a tunnel proceeding and the need to build a new power station at Lathbury Barracks?

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Hon. Chief Minister: Mr Speaker, the issue in respect of the tunnel, really, has always been cost and I know it must also have been cost, before 8th December, because the contract to do it for £30 million went pear shaped and the hon. Gentleman knows I have discussed that with him.

1680

So cost is an issue. I think you would find unanimity in Gibraltar that a tunnel would be the *preferred* option, as long as it is affordable and it may be that we have to have an argument about what is or is not affordable in the future but, in principle, we believe a tunnel would be the best option for people to cross the runway vehicularly.

1685

In terms of the power station, Mr Speaker, cost is also very much the leading consideration and he knows we have differences as to what the appropriate cost of that, perhaps, should be and that is why we are discussing these issues, but there are, of course, other questions which are relevant in respect of the power station, not least, complying with European environmental directives and, in any event, wanting to find the best method for generating electricity in the safest and most secure fashion for our community. It may be that we do not disagree with decisions that the hon. Gentleman made before the Election, or it may be that we do, once we have had these further negotiations and we have seen what further options might have been available to him. Or, Mr Speaker, because this is an area, which I acknowledge is in flux, if technologies have moved on from the time when he commissioned a report into the issue and he was advised in respect of one particular technology.

1695

**Economic interests of Gibraltar
Justification for additional office accommodation**

Clerk: Question 224, the Hon. P R Caruana.

1700 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether he believes that the economic interests of Gibraltar require that additional office accommodation be built?

Clerk: Answer, the Hon. the Chief Minister.

1705 **Hon. Chief Minister:** Mr Speaker, the Government believes that additional office accommodation will be required as new business is attracted to Gibraltar. The Government will not, however, finance the new development of office space by private developers.

1710 **Hon. P R Caruana:** Yes, Mr Speaker, my question was not aimed at the second part of his question, which would put him in a very awkward spot, given how critical they were of the previous Government when, as a last resort, we indicated that we would be willing to do it. But the first half of the answer is, really, the one that I was hoping to explore because, Mr Speaker, it begs the very question that I think is at stake here.

1715 The hon. Member has said, in answer to the question, 'Can the Chief Minister say whether he believes that the economic interests of Gibraltar require that additional office accommodation be built?' – he has said, effectively, yes, as new businesses are attracted, office accommodation will be required, as new businesses are attracted to Gibraltar.

1720 Will the Chief Minister agree with me that precisely the point is that there is a chicken and egg situation and that the chicken and the egg need to resolve their differences in the opposite way to the way that he has just described in his answer because, if accommodation is only available *as* businesses are attracted to Gibraltar, they will never be attracted to Gibraltar, because the availability of suitable office accommodation is one of the factors that businesses take into account, in deciding whether to put Gibraltar on the shortlist of alternative locations, of various possible locations, for their business? This is why the previous Government became so concerned, because the private sector was, for banking crisis reasons, unable to obtain bank funding for it and we were being told that insurance companies and other economic activity was finding that there was insufficient quality of business accommodation.

1725 Hence the question, designed to get to the conclusion of my urging the Government to take the view that a stock of office accommodation, a stock of *suitable* type of office accommodation needs to be available speculatively *in order* to attract businesses to Gibraltar, rather than only be provided *as* businesses are attracted to Gibraltar, which is too late for the business to actually come here.

1730 **Hon. Chief Minister:** Mr Speaker, it is a chicken and egg situation. Is it, if you build it, they will come, or is it that if you do not build it, (*Interjection by Hon. P R Caruana*) they can never come.

1735 **Hon. P R Caruana:** They cannot come.

Hon. Chief Minister: Mr Speaker, we built it. He turned it into a hospital! (*Interjection by Hon. P R Caruana*)

1740 Therefore, Mr Speaker, the issue, really, is this. Is it that the private sector cannot bank any of its projects to build offices. Well, Mr Speaker, we do not think that is the situation at the moment and we do not think there has been a dramatic change since 8th December. In fact, all the evidence I have seen suggests that there is more than one project to build offices which is likely to be taking off very soon indeed, although one project, which should have been a flagship, may not take off.

1745 **Hon. P R Caruana:** Well, Mr Speaker, we are talking about the supply and demand equation today, where the economy of Gibraltar has tripled in size from when the days of the office building to which he is referring had lain vacant for many years and would have lain vacant for many more years in an economically unviable fashion for its then owners.

The question is that as he knows that there is a two or three-year lead from an office development being conceived and commenced to it being available for occupation.

1750 I am not pressing the hon. Member as to why he has not built any offices yet; I am simply trying to establish consensus with him that one of the obstacles at present to any success that the Hon. Mr Licudi may enjoy in attracting more gaming companies to Gibraltar, if that is what the Government wants to do, or new banks or insurance companies or any other financial [*inaudible*] Gibraltar, his success will be in vain if, when they get here and come to look, they cannot be physically accommodated in office space and therefore go

1755 elsewhere.

This is not an attack on the Government; I am simply sharing with them our experience over the last 18 months or so in Government, that the chicken-and-egg equation has been determined by the *[inaudible]*. People come, look, see the office accommodation that is available – there is always a little bit – but it is not what they are looking for and therefore cross Gibraltar off the line. One of the things we need to put in place – will he agree with me – is somehow encouraging private sector development – which I agree with him is by far the most preferable way of doing it – to get on with building these offices, so that whatever success the Government has in attracting additional business to Gibraltar can actually be accommodated?

1765 **Hon. Chief Minister:** Well, Mr Speaker, I think he is asking me to agree with something that I can certainly agree with, which is that we can encourage private sector development of more suitable office space. But, of course, private sector development will do so when it considers there will be a market there and not to provide a bank of offices for Gibraltar.

1770 But he says rightly, Mr Speaker, that there is a three- or four-year lead to the development of offices, and he says rightly, Mr Speaker, that there is not at the moment a bank of office space. Well, Mr Speaker, that is the position that we inherited two months ago from the Government that he was leading.

1775 So without the need to get into something which might be less than a convivial discussion about it, where we can agree that private sector developers should be encouraged to develop offices for the expansion that we expect there will be Gibraltar's economy in the next four years, what we are not going to do – and this is a clear dividing line between us – is help them in financing it, by providing them with cash. That is something that the hon. Gentleman suggested he *might* be prepared to do as a joint venture partner or as an equity investor in one particular project (*Interjection by Hon. P R Caruana*) and we said at the time, and we maintain, that that will not be the tack that we take.

1780 Short of that, can there be agreement across the floor of the House, that there should be private sector development of office space encouraged by Government and Opposition? Well, yes, Mr Speaker. He obviously agrees with us that Gibraltar is going to expand quite substantially in the coming four years, and we are going to need it. I am grateful for his... I will not call it 'U-turn', I will just say 'support'!

1785 **Hon. P R Caruana:** Mr Speaker, the hon. Member is not correct. The previous Government never intended to provide 'cash' as he calls it. We were not offering to finance a private property development. In fact, we made it perfectly clear that we were not willing to do that.

1790 What we were willing to do was to take party, as joint venture equity partners, on a matching basis. In other words, a public investment in offices, just as there is public investment in many things. I have to say that... Will the hon. Member not agree with me that too hard and fast a commitment to the view that he has just expressed is capable of becoming illogical and irrational? This idea that there are *no circumstance* which the hon. Members can be persuaded that it would be an appropriate use of public funds to assist or participate as an equity investor in the building of offices, so that, for example, if the Government was *certain* that the economic prosperity and development and sustainability of our economy were being constrained, held back or prejudiced by the lack of offices – which may not be due to the fact that developers do not see demand, but simply that banks, because they have got their own balance sheet problems, are simply not lending for property developments, regardless of what demand there may be for the finished product; that, in those circumstances, the Government will continue, anchored in the view that better to let the economy of Gibraltar suffer structural macroeconomic damage than do whatever may be necessary to provide you with the office space that it needs.

1800 I agree that it is much better... governments are not in the business of building offices; but governments are in the business of ensuring the success of our economy. And if the success of our economy, for reasons outside the Government's control meant that it had to resort to the extraordinary exigency of making itself an office property developer, does he not agree that in those circumstances, it would be the right thing to do?

1805 **Hon. Chief Minister:** Mr Speaker, in the very exigent circumstances that the hon. Gentleman describes, yes, it would be the right thing to do. We do not recognise that that has happened in Gibraltar in the past four years and that he was put in that position, when he was about to make an equity investment – which is providing cash, Mr Speaker, whether we express it one way or another.

You see, Mr Speaker, (*Interjection by Hon. P R Caruana*) we do not see the position developing in the way – (*Interjection by Hon. P R Caruana*)

1810 I am not suggesting that the hon. Gentleman was a lender, Mr Speaker. (**Hon. P R Caruana:** Thank you.)
You provide cash when you are an equity investor as well.

1815 Mr Speaker, but I do not see the position being as the hon. Gentleman posits, for reasons that he is probably in a better position to understand than me, because there are two particular types of office development that he will know of, because they have not arisen in the past eight weeks, which are very likely to take off, which do not rely on bank financing, and which would provide the sort of office environment that he and I might think is relevant in the future.

1820 Mr Speaker, there is, of course, the Government is not in the business of building offices, because we are not developers. We are in the business of building other things. We build industrial parks, which include some offices; we build homes for rent or co-ownership; but investing in the project that the hon. Gentleman was thinking of investing in, simply did not enjoy the confidence of us when we were on the opposite benches, and it would not enjoy our support today as a Government, in particular given that we know that there are two projects in the pipeline at different levels in that pipeline, that are likely to come to fruition and are likely to provide the sort of accommodation that the hon. Gentleman thinks is appropriate, and I agree.

1825 **Hon. P R Caruana:** Mr Speaker, would the hon. Member not acknowledge that the reason why the previous Government did not proceed with that investment...? The previous Government's position was always that, as a last resort, it would invest public funds to ensure that the economy of Gibraltar did not suffer. For two years, we were unable to find a single developer willing to commit to start an investment, in the knowledge that even when they had started, it would take them three years to bring it online.

1830 That position was publicly abandoned by the Government – does he acknowledge, precisely when the proposed development that he has just referring to came on line? And he may recall, he was present at Gibraltar Day in London last year, when I said that the Government was in negotiations which would result in it not having to proceed as a developer itself. That is a project facilitated by an agreement, which the Government has also been highly critical of in the last few weeks – one of the two projects in question is that.

1835 I do not know if that is the project he had in mind or the other one, more in Queensway. *Both* projects are good projects. *Both* deserve to be supported and encouraged, and I agree entirely with the hon. Member if both... perhaps if one of those – just one of those – proceeded, then it would *not* be necessary for the Government to invest public funds.

1840 **A Member:** Is there a question there?

Mr Speaker: Will he acknowledge?

1845 **Hon. P R Caruana:** Yes.

Hon. Chief Minister: Well, Mr Speaker, I am not able to say when the hon. Gentleman decided not to invest and what was happening at the time, behind the impenetrable curtain. But what I will say is that we are discussing what is happening today, and look, in these circumstances, we do not believe we are in the last resort.

1850 We do not necessarily accept what the hon. Gentleman has said about the one issue that has been the subject of a public dispute between us outside of this House, in respect of one particular office development, but I will only say this, Mr Speaker: I was in Gibraltar Day in London last year, and I have extended an invitation already publicly for the Leader of the Opposition, whoever he or she may be, to be there this year, too – something that was not a courtesy extended to me or to my predecessor.

1855 **Clerk:** Question –

Hon. P R Caruana: [*Inaudible*] refer to the United Nations? No?

1860 **Hon. Chief Minister:** No.

1865

**New air terminal
Cleaning costs**

Clerk: Question 225, the Hon. P R Caruana.

1870

Hon. P R Caruana: Mr Speaker, can the Chief Minister say, what was the cleaning cost of the new air terminal in respect of (1) cleaning carried out before it opened for arriving passengers and (2) the weekly cleaning costs in respect of the period from the date of its opening for arriving passengers to the current date and, in the case of the latter, give a break down by week?

In other words, the weekly cost after opening, and the cost before opening.

1875

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, if it is of assistance to the hon. Gentleman, I am going to read what is here, but then I am happy to give him a copy of what I am going to read.

Mr Speaker, the information available to the Government is as follows and it straddles the two administrations:

1880

The cleaning carried out before the new air terminal opened for arriving passengers, assuming the hon. Member means from the date the terminal was handed over to the Government, was handled by Dragados as part of their contract. The cost to the Government of the cleaning on the days the airport was open for pre-election tours was handled by GJBS Ltd at a total cost of £35,889.

1885

The invoiced weekly cleaning costs in respect of the period from the date of the opening of the airport for arriving passengers to date are as follows:

For the first week, from 26th to 27th November – that is just one day, because of the way the weeks have been worked out – £280.80.

For the second week, from 28th November to 4th December 2011, £904.80.

1890

Week 3, from 5th to 11th December, £904.80.

For the fourth week, from 12th to 18th December 2011, £904.80.

For the fifth week, 19th to 25th December, £748.80.

For the sixth week, 26th to 31st December, £904.80.

I think there is one day missing in the other week because, on Christmas Day, the terminal is closed in Gibraltar.

1895

We have not been invoiced for daytime cleaning for January and February to date. The weekly cost has increased to £1,453.60 per week, as the cleaning hours have increased due to the cancellation of the night-time cleaning contract service provided by GJBS and that was cancelled on 9th January 2012.

1900

A night-time cleaning service was contracted by the previous Government through GJBS Ltd during the public viewing days. The rates were based on a short-term contract basis and included what I am told was a mark-up by GJBS Ltd. An invoice for the initial period of arrivals of operations from 25th November to 10th December was expected for £88,281.90. That is an astonishing figure for two weeks of night-time cleaning contracted by the previous administration.

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This figure was challenged by the new Government. As a result of this, GJBS Ltd have reviewed the matter, and the invoice for the longer period of 24th November 2011 to 8th January – so in other words, not from 25th November to 10th December, but from 24th November to 8th January – is now £122,840.13.

The night-time cleaning service was cancelled on 9th January 2012, as I have just told the House.

ANSWER

THE HON THE CHIEF MINISTER

Mr Speaker,

The information available to the Government is as follows:

1. The cleaning carried out before the new air terminal opened for arriving passengers, assuming the Hon member means from the date the terminal was handed over to the Government, was handled by Dragados as part of their contract. The cost to the Government of the cleaning on the days the airport was open for pre-election "tours" was handled by GJBS Limited at a total cost of £35,889.00
2. The invoiced weekly cleaning costs in respect of the period from the date of the opening of the airport for arriving passengers to date is as follows:-

		<u>Daytime</u>
Week 1	25 th to 27 th November 2011	£280.80
Week 2	28 th November to 4 th December 2011	£904.80
Week 3	5 th to 11 th December 2011	£904.80
Week 4	12 th to 18 th December 2011	£904.80
Week 5	19 th to 25 th December 2011	£748.80
Week 6	26 th to 31 st December 2011	£904.80

We have not been invoiced for daytime cleaning for January and February to date. The weekly cost has increased to £1,453.60 per week as the cleaning hours have increased due to the cancellation of the night time cleaning service, provided by GJBS Limited, on 9th January 2012.

3. A night time cleaning service was contracted by the previous Government through GJBS Ltd during the public viewing days. The rates were based on a short term contract basis and included a mark up by GJBS Ltd. An invoice for the initial period of arrivals operations (25th November to 10th December) was expected for £88,281.90. That is an astonishing figure for two weeks of night time cleaning contracted by the previous administration. This figure was challenged by the new Government. As a result of this, GJBS Ltd have reviewed the matter and the invoice for the period 24th November 2011 to 8th January 2012 is now £122,840.13. The night time cleaning was cancelled on 9th January 2012 as I have just told the House.

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Hon. P R Caruana: Yes, Mr Speaker, it is precisely that presentation – that misrepresentation – of statistics that appeared –

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Hon. Chief Minister: Point of order, Mr Speaker!

I think we have had an afternoon where we have been able to put points to each other which are political points in a political way; but to say that I have misrepresented anything, when I am providing the hon. Gentleman with figures that I have been provided by those that operate the terminal for the Government, I think starts to stray into the area where we are going to have arguments which we do not need to have.

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Mr Speaker: Does the Leader of the Opposition wish to reconsider – ?

Hon. P R Caruana: No, I wish to be allowed to finish my answer. Then he will understand...

1925

Hon. P R Caruana: No, I wish to be allowed to finish my answer and then he will understand that it is not quite –

A Member: It is a question, not an answer.

1930

Hon. P R Caruana: The question. I beg your pardon.
It is precisely that distorted representation, then, if he does not like the word 'misrepresentation', it is precisely that distorted representation of the comparability of figures which he has just read out which were

contained also in the Government's Press Release that has motivated me to ask this question.

1935 Does the hon. Member not understand that to compare the cost of cleaning, post opening, once the cleaning from a building site to a clean terminal had been carried out, and then comparing it to the weekly cost after that – which was just cleaning the daily soil, the daily dirt and rubbish – is not a fair comparison? That before it opened to tender, there was not the three, four, five or six – I do not know what the contingent is that are bought in now to do the regular cleaning – there was an army of cleaners required to clean a terminal which had been a building site and convert it into the condition in which it could open for business and that, beyond that, the cleaning contract was to maintain it clean, and not to clean it. Does he, therefore, 1940 acknowledge that to compare what is, in effect, a lump sum deployed over a number of days is not comparing apples to apples, when the other apple is the daily cost of maintaining it clean?

1945 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman has got the problem that the airport contract has gone pear shaped for him, but we *are* comparing apples with apples.

I said specifically that the cost of cleaning the terminal, or that part of the terminal that was handed over to the Government, given the previous administration's angst to receive something to operate down there before the Election and to operate tours which operated as almost a *live manifesto*, that cost, Mr Speaker, of going from building site to keys handed over, was handled by Dragados as part of their contract. I have not given a figure for that, Mr Speaker.

1950 Then, the Government – and, of course, Mr Speaker, I assume that when a contractor hands over a site, he does not hand it over as if it were something to hand over where you could eat your lunch off the floor... then the Government spent an amount of money in getting it into the condition that the then Government wanted it to be for these pre-Election tours. That cost (*Interjection by Hon. P R Caruana*) £35,889... That cost £35,889!

1955 So, the contractor cleans it – we do not know for how much – and hands it over. It is perfectly normal, Mr Speaker, that when you get a building back from a contractor you might think it is not as clean as I want it to be before I can start operating it or *showing it off* as my flagship project – and that cost £35,000!

1960 Mr Speaker, that is a lot of money to spend on cleaning, but it is a quarter, or just over a quarter of the £122,000! Let me just get that right: £122,000 that it cost to clean the terminal from 25th November – open for arrivals from that day, Mr Speaker – to 9th January because, of course, Mr Speaker, if it is in the politician's mind that he is *definitely going to open at least a part of this airport before the Election*, not just for tours, not just for 'manifesto live', but for operations, for arrivals... well, Mr Speaker, look, I perfectly understand that you are operating in a building site and that it costs a lot of money to clean a building site every day. And it has cost a hell of a lot of money, Mr Speaker – £122,000 – until a more sensible Government grabbed the bull by the horns, found a different way of ensuring that the terminal was cleaned. It now costs, instead of £122,000 for the seven-week period between 25th November and 9th January... it now costs £1,453 a week.

1965 Mr Speaker, the hon. Gentleman can say, Fabian – or here, I suppose, he should call me 'hon. Member' – you need to multiply what it costs per week now, by the number of weeks for which it has cost £122,000, to compare like with like. Well, you know what, Mr Speaker, I might be prepared to agree with that. He can do it himself, Mr Speaker. He can multiply £1,453 by seven and he can compare that to the £122,000.

1970 It is likely, Mr Speaker, that he is going to find that he has spent – or he gave orders for spending – £112,000 more than had to be spent to keep that terminal clean and open for arrivals, Mr Speaker. (*Interjections*)

1975 **Mr Speaker:** Order! Order!

Hon. Chief Minister: That is, in my view, Mr Speaker, the most obvious case of financial neglect that we have found since we were elected into Government in respect of this terminal to date.

1980 But, Mr Speaker, I am also happy to tell him... and he will be very happy to learn that I took another executive decision in respect of this terminal, and that was to switch the lights off at night, because he wanted them switched on for it to look tremendously beautiful. I said, 'Look, the environmental issues matter more to us. You can switch the lights off when there ain't anybody there.'

1985 **A Member:** Hear, hear. (*Applause*)

Hon. P R Caruana: Mr Speaker, I do not know whether he is saying that the GJBS, which is a

Government-owned company, went out to pay £122,000 for what should have cost them £35,000. I do not know whether that is what he is saying.

1990 Or I do not know whether he is saying that I said to GJBS, ‘No, even though it can be done for £35,000, go out and find somebody that will charge you £122,000.’ I do not know what nature of allegation he is making against the management of a Government-owned company that was simply instructed to clean the terminal. But, certainly, some sort of allegation he is making because he cannot possibly believe that I personally – or any Minister – engaged themselves in the sub subcontract, given that JBS was a subcontractor of the contractors (*Interjection*) and the cleaner was a subcontractor of the subcontract...

1995 I do not know if he is suggesting whether Government Ministers engaged and found and negotiated with the cleaner. So, given that he cannot possibly believe that, he is either making the most serious of allegations against the management of JBS or he is continuing – and I would prefer to think it was the latter – to fail to understand the point that I am making, and that is that the process of cleaning a building the size of this air terminal from the moment that the Government were allowed access to it in order to prepare for the ‘live manifesto’, and in order to prepare to have as many voters as possible see it before polling day, that that, as a one-off cost which would have had to be done at some stage and was advanced, according to him, for electoral purposes, that that is a one-off cost which cannot fairly be considered, which cannot fairly be compared with the cost during any period starting *after* that effort had been made, and that effort was not a one day effort or a one week effort... It took quite a long time to get the building into that clean enough condition. It was not done by 100 women in one night.

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Hon. Chief Minister: It is not just women who clean –

2010 **Hon. P R Caruana:** No, mostly... No, I think when I used to go down there were only women there. (*Interjections*)

Hon. Chief Minister: Well, Mr Speaker, clearly the hon. Gentleman and I have different views of the world. You see, I just do not think it is women who clean.

2015 **Hon. P R Caruana:** No, I haven’t said –

Mr Speaker: Order. (*Interjections*) Order.

2020 **Hon. Chief Minister:** Mr Speaker, you see, the hon. Gentleman is doing what he best does politically, which is to try and pretend that he can talk about something other than the very serious inheritance that he left this Government.

2025 You see, Mr Speaker, I have not made any allegation against my great friends at GJBS who do such fantastic work for the Government and for the community. I have made, in fairly transparent form, Mr Speaker, an allegation of negligence and financial mismanagement against *him* (*Interjections*) although, of course, Mr Speaker, he would rather now say that the airport terminal had nothing to do with him; that he wasn’t the Clerk of Works, that he wasn’t on top of everything that was happening there, that he wasn’t the person who came down there and threw his hard hat on the floor when it did not look like he thought it should look in time for the Election, Mr Speaker! (*Interjection*)

2030 He *was* the Clerk of Works. He knew *everything* that was happening. I sent him back his *boots*, Mr Speaker – because he left them at 6 Convent Place – that he used to use when he walked on site on all of these projects. (*Laughter*)

2035 Mr Speaker, it is impossible for him to wriggle out of this. The sum of £122,000 is not the sum that it cost to get the terminal into the state in which it could start to operate for arrivals. Let me make it clear. I know he is clever enough to understand it, but he is trying to obfuscate so that people do not understand what he did.

The sum to get the terminal up to scratch for arrivals is (a) an indeterminate amount paid by Dragados in handing over the site and cleaning it, such as they might understand cleaning to be; and (b), £35,889; and then it opens for pre-Election tours.

2040 Mr Speaker, from that moment on, from the moment that the terminal is open for arrivals, the cleaning, the continued cleaning – so therefore it must have clean enough to open for arrivals, otherwise the hon. Gentleman opened up a place that was not clean enough for arrivals in his haste to open something up in time for the Election...

2045 From the date that the terminal opened for arrivals and was operating until we grabbed the reins and stopped it, for the seven-week period between 25th November to 9th January, the cost of cleaning overnight – in other words, the same areas cleaned each night – was £122,000 – £122,000! Mr Speaker, they can divide by seven and they can get the weekly amount. That is what it cost, and it would have continued to cost that per week if we had not stopped it.

2050 It now costs £1,453 per week, and the terminal is clean and open for arrivals, although, Mr Speaker, we have made no bones of the fact that we considered closing the terminal for arrivals because it is only in the mind of the hon. Gentleman in his pre-Election frenzy than it can have appeared reasonable to have two airports operating within 50 yards of each other – one for arrivals and one for departures – just because he needed them to be open in time for the Election!

2055 But, in terms of a financial cost, it is absolutely clear: what was done for £122,000 in seven weeks, we are now doing for £1,453. Therefore, Mr Speaker, if we had done it from 25th November to 9th January, it would have cost £10,000. The shortfall to the taxpayer, Mr Speaker, is £110,000 because the hon. Gentleman wanted to open a terminal for arrivals in time for the Election.

Mr Speaker, there are so many things that we could have done with that money that would have been better for the community. Forget our arguments about the cost of the terminal – just that cleaning cost. *(Applause)*

2060 **Hon. P R Caruana:** Mr Speaker, then, having heard the hon. Member again, does he agree with me that he obliges me to change my mind: that, of the two options that I gave him before, making serious allegations against the management of JBS or not comparing apples with apples, when I told him that I would prefer to think that it was the second, I have got to change my mind, having heard him now. It has got to be first. He must be making serious allegations against the persons that he says are his ‘great friends’ because, Mr Speaker –

Hon. Chief Minister: Mr Speaker, on a point of order –

2070 **Hon. P R Caruana:** No, no.

Hon. Chief Minister: It is not up to you to decide.

Mr Speaker: I have to listen to the point of order.

2075 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has put that point before and I have made very clear that I am not making allegations against anyone at JBS. I have said the opposite. I specifically spelt it out.

2080 He is not allowed, Mr Speaker, to put words into my mouth, in particular in respect of something as serious as saying that I am making an allegation against someone when I specifically told the House that I am not. If he wants to tell the House that I am lying, he can put a motion. I can tell him now what the result would be.

2085 **Hon. P R Caruana:** I am telling the House that there are two possible explanations for what he is saying in it: (1) that he is making serious allegations against those who administer and issue the contract; or he is not comparing apples with apples, because he must know that I personally... I know that he is desperate to make this stick on me personally, but he must know that I personally neither negotiate nor award... *(Interjections)* nor find cleaners, and that what Ministers do is say to the Government’s company, ‘Get the air terminal clean,’ and if the person to whom the Government says ‘Get the air terminal clean’ chooses to do something as outrageous as he appears to think what they did is, then either they are incompetent – serious allegation –

2090 or, worse, even more serious allegation. It is not me or any other Minister that knew of, or agreed to, or brought about, or procured a situation, where something that he thinks should cost one-seventh of what it actually cost, actually cost seven times more than that, and because however many times he may, for political effect, repeat the allegation as if it was being an allegation made against me, he must know that I am responsible in the sense that I was responsible for everything that happened in the Government or under the

2095 Government, but that I am not *directly* the cause of that situation being the case, however politically responsible I may be for it as the head of the whole Government organisation, and as he continues to insist

that this is some outrageous act, it can only be an outrageous act by those who perpetrated it, not by those who simply asked for the terminal to be clean and then find that it costs what the hon. Member thinks is outrageous.

2100 I have to say one more thing to the hon. Member.

Hon. Chief Minister: You have to answer the point of order.

2105 **Hon. P R Caruana:** I have to ask, yes, whether he will agree with me.

Mr Speaker: What?

Hon. Chief Minister: Exactly.

2110 **Hon. P R Caruana:** I will convert it into a question, don't worry.

Hon. Chief Minister: Mr Speaker, I thought the hon. Gentleman was going to reply to my point of order.

2115 **Hon. P R Caruana:** Will the hon. Gentleman not agree –

Mr Speaker: Order! Order!

Hon. P R Caruana: Look, Mr Speaker, I have sat here –

2120 **Mr Speaker:** No, no –

Hon. P R Caruana: As a point of order, I have sat here quietly listening to all the diatribe and allegations and bitterness that he has just uttered. I have not jumped up like a nervous jack-in-the-box trying to prevent him from uttering what he has done. He should do the same –

2125 **Hon. G H Licudi:** No.

Hon. P R Caruana: – and be man enough –

2130 **A Member:** You just ask the questions. We will say whatever we want.

Hon. P R Caruana: Well, I am asking a question, but he will not let me finish it, Mr Speaker. It takes so long because he tries to stop me asking it, (*Interjection and laughter*) because he does not want me to populate the question.

2135 **Mr Speaker:** Well –

Hon. P R Caruana: Mr Speaker –

2140 **Mr Speaker:** Before the Hon. the Leader of the Opposition carries on –

Hon. P R Caruana: Yes.

2145 **Mr Speaker:** – a point of order has been raised –

Hon. P R Caruana: Yes.

Mr Speaker: – and I have to rule on that.

2150 I was waiting to hear the question. (*Interjection by Hon. P R Caruana*) Well, exactly. There has been a very long preamble but I am promised... (*Interjection by Hon. P R Caruana*) Since I am promised that a question is on its way, and right now... The question, I hope, will be phrased correctly, which will help me to

overturn the point of order.

When I hear the question I will be in a better position to rule on the point of order.

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Hon. P R Caruana: I see, yes.

Well, Mr Speaker, the question is this... I will go straight to it without any preamble whatsoever.

Mr Speaker: Well, you have had the preamble already. (*Laughter*)

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Hon. P R Caruana: Does the hon. Member not agree that, thanks to the personal and careful interest taken by Ministers in the GSD Government in the execution of Government projects, *nobody* has had to suffer the consequences of the gross negligence that resulted from the careless execution by the previous GSLP Government of almost all of *their* projects?

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Hon. C A Bruzon: That is irrelevant.

Mr Speaker: Before the Chief Minister answers the question (*Interjection by Hon. P R Caruana*)

Yes, but dealing now with the point of order which the Hon. Chief Minister raised, is it now clear from the questioner that he is not attributing to the Chief Minister any blame on the –

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Hon. Chief Minister: Making an allegation.

Mr Speaker: – or any allegation on the members of GJBS, as that is the issue which the Hon. Leader of the Opposition started his question with and that is what caused the Chief Minister to rise.

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Hon. P R Caruana: Mr Speaker, I have said, and I have repeated after he has made the point of order, that the things that he is accusing me of can only mean one of two things, and it is his choice, and I refuse to withdraw one of the two choices. *Facts* are only capable of two explanations and I am entitled to identify what those two explanations are, Mr Speaker.

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He cannot say to me that I have perpetrated the most serious example of public financial dereliction that he has found, and expect me to accept that as if I was personally the perpetrator of the facts that he believes resulted in that dereliction, and when I say to him that it cannot possibly mean that unless you are saying this, he says ‘No, if you are saying that, you are making a serious allegation.’

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Mr Speaker, debate in Parliament is not possible. I am saying to him that, as he *knows* that I am not the person that agrees the price of the cleaning contract, he must either be making all the suggestions that he is making against me about the person who *does* allocate the cleaning contracts, or he agrees with me that he is not comparing like with like.

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Mr Speaker: The question has moved on since then.

Hon. Chief Minister: Mr Speaker, I think that we have to deal with the hon. Gentleman as the punch-drunk clown he is, (*Laughter*) drunk on sour grapes that have made the wine –

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Hon. P R Caruana: That is unparliamentary language.

Hon. Chief Minister: As unparliamentary as calling somebody a ‘nervous jack-in-the-box’.

Mr Speaker: Order! (*Interjection by Hon. P R Caruana*)

I am well aware of the –

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Hon. Chief Minister: Well, that is your view.

Mr Speaker: I am well aware of the Hon. Chief Minister’s desire to generally lower the tempo in this House and I am sure he will agree with me (*Interjection by the Chief Minister*) that the language ‘punch-drunk clown’ does not really help.

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Hon. P R Caruana: No, Mr Speaker, it is not... On a point of order –

2210 **Hon. Chief Minister:** Mr Speaker, in that case –

Hon. P R Caruana: It is not a question of it not ‘helping’. It is a question of it being unparliamentary language. Unparliamentary language is not either just the use of the word ‘lie’ or any word which offends him which is used from the Opposition benches, which appears to be the emerging rule.

2215 The people of Gibraltar have elected me to the office of Chief Minister four times in a row, which is greater than the number of months that he has been in office for the first time. Unless he is insulting the people of Gibraltar by thinking that they are capable of repeatedly electing a clown into the highest office of the land, he is lying and misleading this House. (*Interjection by Hon. Chief Minister*)

2220 **Mr Speaker:** Order!

Hon. Chief Minister: Mr Speaker, this is what he wants Parliament to become. It is clear to me, Mr Speaker, that the hon. Gentleman defines himself by his combative style and by his enemies. He can call me a nervous jack-in-the-box –

2225 **Hon. P R Caruana:** *Like* a nervous jack-in-the-box.

Hon. Chief Minister: – but I cannot call him a punch-drunk clown, in his estimation. Let’s move on from all of those things, Mr Speaker, and if ‘like’ is all it takes, then I am quite happy to say that he is just *like* a punch-drunk clown, but not really one. (*Laughter*)

2230 Mr Speaker, this is an important debate and we should be having it, if he wanted to have a debate, on the basis of a motion, but he is asking a question. Questions are about elucidating information. He does not like the information that he is getting. I am not making *any* allegation whatsoever against my friends in GJBS, Mr Speaker, but he wants it to be that I am doing so, so that *he* can wriggle off the hook that he made for himself.

2235 Does he think, Mr Speaker, that anyone in Gibraltar believes that he would not be responsible for determining exactly what was happening in that terminal? Does he think, Mr Speaker, that Gibraltar is a big enough place that nobody knew that he was going down there almost every day to make sure that it was perfect for his manifesto? Does he really think, Mr Speaker –

2240 **Hon. P R Caruana:** On a point of order, Mr Speaker, this is complete... On a point of order, he is accusing me of lying. I have told this House repeatedly (*Interjection by the Chief Minister*) that I am *not* aware of the contract.

2245 Is he saying, by suggesting to you that I used to go down to review the progress of works, that therefore I must be telling an untruth in this House when I say that I had no idea what the cleaning arrangements were or how much they cost? That is all he is doing on his feet right now: he is trying to suggest that it is not credible that I did not know what the cleaning costs or arrangements were and, since I have said, *twice*, that I can recall that that is the case, then he is simply accusing me of lying, Mr Speaker.

2250 I am very happy for Standing Orders to be binned. I have quite a thick skin and very broad shoulders and I do not mind what language is used in this House. The point that I am making is that he is the first one to leap up and complain whenever anybody uses a word against *him*. Either we are both allowed to use words or *neither* of us should use words. All I am complaining about is the situation in which only we are not allowed to use words by *they* are.

2255 **Mr Speaker:** Well, I do not believe there exists a situation where only one side is not allowed to use unparliamentary language. That applies to both sides.

If the hon. Member is referring to the remark of ‘punch-drunk clown’, I have ruled it is not a helpful remark in the context of the spirit in which we intend to conduct these proceedings.

Hon. P R Caruana: Well, is it parliamentary or unparliamentary?

2260 **Mr Speaker:** It is no less and no more parliamentary than accusing somebody else of being like a jack-in-the-box. (*Interjection by Hon. P R Caruana*). I think we ought to play the game by the same rules. If one

Member sees fit to accuse another of being like a jack-in-the-box, then being a punch-drunk clown is not far removed from a jack-in-the-box.

2265 Again, I do not condone and I do not wish to encourage the use of any language of that nature. Leaving aside the description ‘unparliamentary’, I know of no argument that is enhanced by hurling insults across the floor. I think if we can all work to that rule that... Let’s avoid language which is likely to inflame the situation, and I think we would all achieve a lot more.

2270 Talking about the way this debate has arisen, there was a question from the Hon. the Leader of the Opposition asking for cleaning costs. I have read the answer and I have heard the answer. The answer has been provided in a factual manner. Then, the Leader of the Opposition has referred to that answer as a misrepresentation in the first instance, and when that was challenged he used the word ‘distorts’ the representation of the facts.

2275 What the Hon. the Leader of the Opposition has done is he has treated this question as a line of supplementary into a trial, if I may call it that, of his conduct of the cleaning costs. With respect, having done so, he can hardly complain if then the Chief Minister seeks to justify his answer.

Hon. P R Caruana: I am not complaining.

2280 **Mr Speaker:** Well, that is the way I understood it, with respect.

Hon. P R Caruana: He is the only one who is complaining.

2285 **Mr Speaker:** Well, no. The way I understood the line of debate – and I hope I have understood it correctly – is, it is the Hon. the Leader of the Opposition who then says it must mean either this or that. But then, if the Leader of the Opposition invites a conclusion, with respect, he must be willing to listen to the conclusion.

The Hon. the Chief Minister.

2290 **Hon. P R Caruana:** As must he. He is the one who is *[inaudible]*.

2295 **Hon. Chief Minister:** Mr Speaker, there are also two potential conclusions from *his* position. Let me just put it this way, because the hon. Gentleman has wanted to open up the debate: I do not believe that there is any bitterness on this side of the House, because, look, we won the Election! There is actually a lot of happiness on this side of the House because we are now able to implement the manifesto that we think is best for Gibraltar.

That manifesto, Mr Speaker, I believe, is never going to result in £17,500 per week being spent on something that is still a building site, in order for us to be able to operate something there for the benefit of our electoral success, as the hon. Gentleman tried to do down at the airport.

2300 Let’s be very clear. It is not just that I am saying £122,000 in seven weeks – £17,500 a week – was spent, and he says... because he recognises, Mr Speaker... The hon. Gentleman recognises that this is a massive political hook onto which he has hooked himself by asking this question. It is a massive political negligence that he allowed – if he was not responsible for the cleaning contract – to happen under his watch. But there is an even *bigger* sign that he *was* responsible for massive overspends that have cost the community. I think he used to laugh, during the Election campaign, when I turned up at debates with my battered copy of the *Chronicle* when he first announced the terminal at £24 million, only to confirm, just before the Election, that it came in at €80 million – €80 million, not £24 million, Mr Speaker. The change, the order of magnitude of the increased costs is such, Mr Speaker, that anybody listening might be prepared to accept that the person who allowed a contract to build the terminal to slip from £24 million to €80 million is exactly the sort of Chief Minister that might have allowed cleaning for £17,500 a week, £122,000 in seven weeks, in order to be able to operate his building site terminal in time for the Election and show it off.

2310 But, Mr Speaker, the hon. Gentleman then says that he wants to talk about the problems that people have experienced in developments under the previous GSLP administration, compared to the absence of any problems whatsoever in his developments. You know, I thought he was actually connected to what was happening, but it became such an ivory tower, clearly, in Convent Place, that he did not hear, from what he tells us, the many complaints of the good people at Cumberland Terraces, that are coming to us even now to ask us to fix their homes; the complaints of the good people at Waterport Terraces who have problems in their

2315

homes; the complaints of the people in the Flat Bastion development that they did; the complaints of the elderly people in Bishop Canilla House.

2320 Look, Mr Speaker, I take it from him, although he has not said it, but it is implicit in what every Government does, that when a Government builds, it wants to build to the best quality and if there are problems, it is not because any Chief Minister or any Minister has wanted there to be water ingress, or has wanted there to be a problem, but he believes, Mr Speaker, that he is entitled to say of others, that they were negligent, but when someone raises the fact that even in the projects that he was in Government for the development of, there are problems, he does not like to hear it. Well, Mr Speaker, you know what? I think you are absolutely right. There is no point calling each other nervous jack-in-the-boxes or anything else, we are here to debate, in order to give people the information that they are entitled to have from their Government and which they are paid to elicit in questions and when it is appropriate to provide it, we provide it.

2325 We are not here to call each other names, but that is the politics of the Gentleman opposite, and I am grateful for your rulings and I hope that we will therefore – both of us – be able to stick to the business at hand.

2330 **Mr Speaker:** The Hon. Daniel Feetham.

2335 **Hon. D A Feetham:** Yes, can the hon. the Chief Minister confirm that it has taken him seven weeks, or is it longer, for him to find out that there was this ‘outrageous’ cleaning contract, that had been entered into by GJBS?

2340 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman obviously was not listening to the debate and he decided that he wanted to intervene, because he needs to be relevant on the opposite side. If he looks back at my answer, he will see when we identified this contract and the fact that it changed, as from 9th January 2012, means that we would have identified the problem sooner. The 9th January to 9th December is four weeks, not seven and as he can understand, it is not always immediately possible to get all the information that one needs.

2345 He may be very interested to know that when one arrives at Convent Place, having been newly elected as the Chief Minister, an experience that he has not enjoyed, but at least not yet, I know he is very keen to have a go. One does not have a list of all the contracts and what they cost, so that one can quickly identify which to stop.

2350 **Hon. D A Feetham:** Tut, tut. The Hon. the Chief Minister is unduly spiky. I asked him a very simple question and he has gone on, on this tirade of those subtle insults, for which he is an expert.

2355 Let me just put this to him. If it has taken the Government four weeks to identify this outrageous contract, cleaning contract, that GJBS has entered into, does he not think that it is not unreasonable for a Government, bearing in mind that the airport terminal opened on 25th or 26th November, the General Election was on the 8th, so we are talking about two weeks, that in fact my hon. Friend, the Leader of the Opposition, may well be right, that he did not know and he did not identify that there was an outrageous cleaning contract entered into by JBS during that two-week period of time, in the same way as it has taken the hon. Gentleman four weeks in which to identify that it existed.

2360 **Hon. Chief Minister:** Mr Speaker, I do not consider that ambition is an insult, so if I am accusing the hon. Gentleman of being ambitious in leading our community, I do not consider that I am insulting him, but you take it as you wish.

2365 In order not to appear too spiky, in order not to offend in any way, I will just answer his question in a very simple way: no, Mr Speaker, I do not agree that the person who was there and who ordered the opening of the terminal could not have known what this was going to cost. (*Laughter*)(*Interjection Hon. P R Caruana*)

2370 **Hon. Chief Minister:** Point of order, Mr Speaker. The hon. Gentleman is saying from a sedentary position that it is implicit in what I am saying that he is lying. As the hon. Gentleman knows (*Interjections*) parliamentary language requires never to say that one or the other is lying and to put a motion. It is very often implicit in the things that we say that we do not believe each other and he has spent the eight years that I was sitting over there more or less telling me that and sometimes going over the edge and saying I was lying and then withdrawing it, or never bringing the motion that he promised to bring.

Mr Speaker, I do not mind saying that I do not believe him. I do not believe that puts me in a position where I am making unparliamentary remarks.

2375 **Mr Speaker:** I was not going to rule on it, because I am not entitled to take into account remarks made from a sedentary position, sir.

Next question.

2380 **Clerk:** Question 226 –

Hon. P R Caruana: The hon. Member ought to know for the record that I did not know. Nor am I accepting his interpretation of the facts and figures.

2385

**Gibraltar postage stamps
Prior approval of HM the Queen's effigy**

2390 **Clerk:** Question 226, the Hon. P R Caruana.

Hon. P R Caruana: Can the Chief Minister confirm that the design of Gibraltar postage stamps bearing the effigy of Her Majesty the Queen requires the prior approval of Her Majesty obtained via the Convent and the Foreign and Commonwealth Office?

2395 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, yes, that is correct.

2400 **Hon. P R Caruana:** Mr Speaker, and is the hon. Member aware that, in respect of a postage stamp issue, a proposed postage stamp issue, that has obtained a degree of coverage and notoriety in the press, relating to the appearance on a joint stamp issue with the State of Israel, including a representation of the Tower of David in Jerusalem that the Foreign and Commonwealth Office indicated that the Palace's consent to that design would not be forthcoming?

2405 **Hon. Chief Minister:** Mr Speaker, yes, and I will go further.

I have seen a letter from the Foreign and Commonwealth Office, from their offices across the road from where he used to sit and where I sit now, expressing that in terms which I think merited the reply that he caused to be sent.

2410 **Hon. P R Caruana:** Therefore, implicit in that very helpful answer, for which I am grateful to him, is that anybody who made any correspondence to the *Gibraltar Chronicle* that may, in ignorance of the facts, mischievously wish to create the impression that the refusal to proceed with the aforesaid issue with the aforesaid depiction of the Tower of David was somehow the policy decision of the Government of Gibraltar, would be mistaken?

2415 **Hon. Chief Minister:** This is not an issue on which there needs to be a party political difference, I agree.

Hon. P R Caruana: I am obliged to the hon. Member.

2420

**Civil servants and staff of Government undertakings
Transfer details since 9th December 2011**

2425 **Clerk:** Question 227, the Hon. P R Caruana.

2430 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister provide a list of (1) civil servants (2) GDC employees (3) Statutory Agency and Authority employees and Government company employees that have, since 9th December 2011, been transferred from the post that they occupied on 8th December 2011, giving a breakdown by entity, employee, post occupied on 8th December and post transferred to?

Clerk: Answer, the Hon. the Chief Minister.

2435 **Hon. Chief Minister:** Mr Speaker, I now hand the hon. Gentleman a schedule with a list of civil servants and GDC employees that have been transferred. (*See following page*)

I think the hon. Gentleman will find that most of the moves are actually because whole Departments have changed nomenclature and perhaps changed office.

2440 **Hon. P R Caruana:** Mr Speaker, I am not going to detain the House by trying to analyse this list now and asking supplementaries based on it, but can he just assist me by telling me whether all the information sought in the question is provided? In other words, civil servants, GDC employees, Statutory Agency and Authority employees and Government company employees?

I do not see, at first blush, the nomenclature on the columns appear to relate to civil servants.

2445 **Hon. Chief Minister:** Mr Speaker, I think there is something else I should have said, which is that it has been confirmed by the relevant Statutory Agencies and Authorities and Government companies that no transfers of employees have been effected since 9th December 2011, although there was a discussion about a post having been abolished, I think, yesterday.

2450 **Hon. P R Caruana:** Mr Speaker, in relation to GDC employees, is the hon. Member confident that the answer he has given me is correct? There are no GDC employees – I do not think this is controversial information, but there are no GDC employees, for example, that have transferred from ministerial offices, which is perfectly legitimate but...

2455 **Hon. Chief Minister:** Mr Speaker, that is the information I have been provided and I assume it is correct. I do not have control over this information.

GIBRALTAR PARLIAMENT, THURSDAY, 16th FEBRUARY 2012

Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Ms Myra Zayas	EO (Supernumerary)	Dept of Public Transport & Commercial Affairs	Gibraltar Law Courts
Mr Anthony Pitaluga	AO	Post Office	Culture
Mr Darrien Ramos	SEO (ex GDC)	No.6 Convent Place	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Cain Sanchez	HEO	Ex Ministry for Justice	No.6 Convent Place
Mrs Coral Schembri	Personal Secretary	Ex Ministry for Justice	No.6 Convent Place
Mr Charlie Curtis	EO	Treasury	Youth
Mrs Mandy Brocco	AO	Gibraltar Law Courts	Human Resources Department
Mrs Tanya Hendy	AO	Post Office	Gibraltar Law Courts
Mr Christian Zammit	AO	Income Tax	Post Office
Ms Nadia Casciaro	AO	GHA	Human Resources Department
Mr David Benyunes	AO	Maritime Administration	GHA
Mrs Kim Bain	AO	Culture	Maritime Administration
Ms Lynette Olivero	AO	Income Tax	Culture
Mr Charles Avellano	AO	Treasury	Income Tax (Initially seconded to GGCA w.e.f. 5/1/2012)
Mrs Susan Sanchez	HEO	GHA	Maritime Administration
Mrs Jyoti Neish	HEO	Human Resources	GHA

Contd... Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Mr John Reyes	SO	No.6 Convent Place	Human Resources Department
Mr Julian Baldachino	SEO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Peter Rodney	Legal Advisor	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Flavio Madeira	SEO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Karl Rose	EO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Lourdes Borg	Personal Secretary	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Jason Davies	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Ms Fabiola Gomez	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Leanne Chipolina	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Lourdes Piri	Clerk/Word Processor	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mrs Eva McLaren	Clerk/Word Processor	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Daniel Cortes	Support Grade Band 2	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Tyrone Monteverde	Support Grade Band 2 (ex GDC 1)	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Ms Sylvana Costa	Support Grade Band 1	Ex - Ministry of Enterprise, Development, Technology & Transport	Ministry of Education, Financial Services, Gaming, Telecommunications & Justice
Mr Paul Martinez	SEO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Ms Charmaine Souissi	Personal Secretary	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mr Dustin Orfila	Marketing Co-ordinator (ex GDC 3)	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs

Contd... Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Mr Javier Redondo	Assistant Business Support Officer (ex GDC 2)	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mrs Elisa Sene	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mrs Desiree McDonald	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mrs Marisa Celecia	Typist	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Public Transport & Commercial Affairs
Mr Christopher Purkiss	Director of Civil Aviation	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Robert Santos	SPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Hubert McKay	SPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Paul Origo	SPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Paul Naughton-Rumbo	HPTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Norman Neale	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Michael Peliza	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Ernest Borrell	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Valerie Cortes	PTO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr Ernest Francis	EO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Ms Annette Goodman	Technical Grade 1	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Gerry Gomez	Technical Grade 1	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control

Contd... Answer to Question No.227 of 2012

NAME	GRADE	FROM	TO
Mrs Analis Agius	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mr David Francis	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Angelica Pipo	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Lianne Gonzalez	AO	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control
Mrs Myra Romero	Typist	Ex - Ministry of Enterprise, Development, Technology & Transport	Department of Planning & Building Control

2460

**Quadripartite talks with UK, Spain and Spanish local government
Government position**

Clerk: Question 228, the Hon. P R Caruana.

2465

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government will agree to take part in – let's see if I pronounce this correctly – quadripartite, I suppose – quadruple – I am not sure the word exists, actually, but it has been used in the press – quadripartite talks with the Governments of UK, Spain and another non-national tier of government in Spain?

2470

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, no, sir.

Hon. P R Caruana: Mr Speaker, that is a position in which the Government has, and will continue to

2475 have, the Opposition's support.

Is the hon. Member aware that it has been an aspiration amongst parties in Spain for some time now, certainly before 8th December, to alter the architecture of the trilateral forum to make it non-trilateral and does he share the view which underpinned our holding the position which he has now described also to be theirs and does he hold it perhaps for the same reason, that to have symmetry on a quadrapite – on a quadripartite basis whereby the Gibraltar position and status is made symmetrical to the position of some regional or local Spanish entity, is to downgrade the status of Gibraltar to a position that would not be compatible with our international political rights and aspirations?

2485 **Hon. Chief Minister:** Mr Speaker, yes, sir and I think I have expressed that when I have been asked questions in the media since then. Sometimes those in the media ask the question and then wish a positive answer, do not print the whole answer that one gives when it is in the negative.

I think that, within this House, we are agreed on this issue.

2490

**UK Overseas Territories Review
Submission of views by Gibraltar Government**

2495 **Clerk:** Question 229, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether he or anyone else on behalf of the Gibraltar Government has submitted views or information in response to the United Kingdom's current Overseas Territories Review?

2500 **Clerk:** Answer, the Hon. the Chief Minister.

2505 **Hon. Chief Minister:** Mr Speaker, I can confirm that, on behalf of Her Majesty's Government of Gibraltar, I wrote to Miss Jessica Irvine, the Head of the Iberian Team at the FCO, setting out a detailed response to the UK government's current Overseas Territories Review.

Hon. P R Caruana: Mr Speaker, in the spirit of openness and transparency, which he continually reminds us informs his approach to Government, is he willing to lay that document on the table of this House?

2510 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that when I have asked him to disclose correspondence, as he has had with the Foreign Secretary or with others, he has always said that he was inclined not to, and I am inclined to think that that was actually correct in respect of sharing information across the floor of the House.

2515 He has talked about 'laying on the table', which would, in any event, make the information public. I am quite happy to discuss with him what we said, but not lay it on the table. He will know that a lot of the issues were the issues that he and I have had an opportunity to talk about and which I think both of us agree should not necessarily be the issues that we ventilate across the floor of the House.

2520 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that he cannot at one and the same time say that he is better than we were in Government at transparency and accountability and then continually deny providing information on the basis that we used not to do it. Clearly, he thinks that we were worse than him. If he is no better than us, then we are no worse than him!

2525 Now, he can, of course, legitimately take the view – which I was not seeking to dismiss as a possibility, not knowing the nature of the content of the document – that it is inappropriate quite so recently after it was sent to make public inter-ministerial correspondence, and that might be, depending on the content of it, a perfectly sound judgement on his part.

But given that this letter must reflect the views, the policy, of this Government – which may, indeed, coincide with ours, and I would be surprised if it did not on many if not most issues – but given that, in effect, that letter contains a statement of the Government's policies on important constitutional bilateral relationship issues, does he not think that it is not really a confidential exchange of correspondence, but rather a

2530 communication by the Government of Gibraltar to the government of the United Kingdom of the policy position of the Gibraltar Government on a constitutional matter, which would make it, I think, legitimate to table in Parliament?

And, further, even if I cannot persuade him of that view, does he not consider that, indeed, the UK government may publish it, because the UK government has... As you know, there are Cabinet Office directives about the publication of things submitted to the UK government in response to consultation papers, which I believe are that the responses to government consultation processes are published and that he may find that the UK government will publish his letter, treating it not as a confidential exchange of correspondence, but as a response to a consultation process. In those circumstances, would it not be better for him to table it himself, as his own parliamentary act?

2540 **Hon. Chief Minister:** Mr Speaker, let me start by saying that I do not accept that we are taking the same attitude to disclosure that the hon. Gentleman took when he was here. The fact that I have equated *one* item, a request of disclosure, to that attitude which he took does not necessarily mean that I accept that we are as bad as they were – but it is nice to know that he accepts that they were bad, Mr Speaker.

2545 The position, clearly, is that we are trying to provide as much disclosure as is possible of all Government information, because Government belongs to people. Mr Speaker, that is one thing.

Another thing is that we should be laying on the table, and making publicly available, every document that the Government creates and which we have cause to send to the Foreign and Commonwealth Office on these issues: I am not saying that we are not going to make it available; I am saying that, at this stage, I think it is not right that it should become available.

2550 If it is going to become available in the United Kingdom as a result of Cabinet directives or as a result of the consultation process being open and, surprised as I might be that that is going to be the case, then certainly we would take the attitude that we should make it available as soon as possible to our people. I am not advised that that is the position at the moment.

2555 I am fully aware of Cabinet Office directives in respect of disclosure in the UK, which are very informative. Unfortunately, they do not lead to disclosure of documents and notes made about conversations that people may have had with Ministers about 10 years ago, which I am very interested in seeing, when they become publicly available.

2560 **Hon. P R Caruana:** Mr Speaker, the hon. Member then complains that Parliament becomes aggressive!

I could not have asked a more innocuous set of questions in a less aggressive fashion, and he just could not resist the temptation to make insinuating allegations which have absolutely no connection – and he does this continually. In Spain, there is a phrase to describe the hon. Member: *este tira la piedra y esconde la mano*.

2565 **Hon. Chief Minister:** Mr Speaker, although I do not recognise the accusation made by the hon. Gentleman, (*Laughter and interjections*) I provided an answer in respect of communications with the Foreign and Commonwealth Office.

2570 I know that he did not like it but, look here, Parliament is also about a bit of spice, isn't it?

Hon. P R Caruana: Think about whether you get nasty and then accuse others of getting nasty – that is all.

2575 **Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman is saying that there are issues about being nasty; I do not think there is anything nasty about my saying that I want to see notes of conversations that happened 10 years ago. (*Interjection by Hon. P R Caruana*) If the hon. Member thinks that there is something nasty about that, it may be because he thinks there is something nasty in the notes.

2580 **Hon. P R Caruana:** Mr Speaker, the hon. Member may think that everybody who listens to him is as thick as two short planks, but they are not as thick as two short planks and there cannot be anybody listening to this debate who has not understood him to imply that he thinks that there might be things recorded in telephone conversations between me and Peter Hain which are not consistent with the things that I have said publicly.

That is what he had in his mind. That is what he meant. It had nothing to do with what we are discussing.

2585 It is completely accusatorial and out of tone with the conversation that we were having and is monumental to his attitude in this House, which is that he lights the fuse and, when the bomb explodes and people react, then he accuses the reactors of being unpleasant, aggressive, and wanting to convert Parliament into a fracas. He is, in that respect, the causer of much of the aggression that results in this Parliament – *except* that he has not got the courage to admit to it and always tries to be the nice guy, even when he is not the nice guy.

2590

Hon. Chief Minister: Mr Speaker, I do not think there was a question there; I think it was an accusation. (*Interjection by Hon. P R Caruana*)

At least it is true that the hon. Gentleman can never hide aggression. The hon. Gentleman has never been accused of being a nice guy, and we all know exactly what sort of parliamentary performer he is.

2595

Lands Agreement with MOD Government implementation

2600

Clerk: Question 230, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government is implementing the latest Lands Agreement with the MOD?

2605

And I promise him that I am not on commission from the MOD on this question! (*Interjection*)

Clerk: Answer, the Hon. the Chief Minister.

2610

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

Hon. P R Caruana: And has the Government yet had the opportunity to decide whether, in respect of the various properties that are coming across at different intervals of time, which he may now be familiar with, whether it is the Government's intention to put those out for sale – which is how, when the Government did the deal, it was envisaged that, *quid pro quo*, the re-provisions would be funded?

2615

Hon. Chief Minister: Mr Speaker, in fact two residential properties transferred to Her Majesty's Government of Gibraltar (HM GoG) from MOD have already been advertised for tender, as the hon. Gentleman may have seen. Other properties will follow in the next few months, and the GoG will shortly proceed to invite applications for the appointment of a project manager and design of some of the works that have to be done, which will be financed through those sales.

2620

But I think the hon. Gentleman will know that it is necessary to ensure that the properties which come over and which are put out to tender achieve certain prices in order to enable the funding of the works to occur, and he will also know there is, in respect of very few of them, a call by some worthy organisations locally to use one or two for a particular purpose, so they may not all go out – all the residential properties – to tender in the analysis that we have seen.

2625

If the hon. Gentleman seems quizzical about that, there is, for example, one particular property which is being used for a purpose by the Royal Gibraltar Police (RGP) – or was used for a particular purpose by the GDP, that the RGP may want to use that property for –

2630

Hon. P R Caruana: Oh, but not properties that have been... Residential properties are all being sold. I do not recall any conflict of demand for residential properties.

Certainly there are non-residential properties that people have asked to have use of, but he may be right, I just do not recall that any residential property is being competed for, for a non-residential use.

2635

Hon. Chief Minister: Mr Speaker, there is one, maybe two, for a residential use – in other words, to put people for a period of time who need to be put there for a period of time – by an organisation. But it is really a very minor one or two. I think there was a letter for him, during the period of the campaign – although it seems to just have been a discussion earlier about one or two of these properties.

2640

**Unveiling ceremony of plaque to Gibraltar Security Police
Issue of invitations**

Clerk: Question 231, the Hon. P R Caruana.

2645

Hon. P R Caruana: Mr Speaker, can the Chief Minister say who issued the invitations to the recent ceremony for the unveiling of a plaque in the lobby of Parliament to the memory of Gibraltar's Security Police officers who died in the wartime explosion in Tangiers?

2650

And if I could just be permitted to add, by way of comment, before the hon. Member answers, that since giving notice of this question, I have received an entirely satisfactory apology from the Superintendent of the Gibraltar Defence Police, which I intend to accept. So the purpose of the question... I think the question still has a purpose – which is not that.

Clerk: Answer, the Hon. the Chief Minister.

2655

Hon. Chief Minister: Mr Speaker, I believe it was done by the Superintendent of the Gibraltar Defence Police. Her Majesty's Government of Gibraltar had no involvement whatsoever.

If it is of any assistance, I think the hon. Gentleman was right to point out publicly that his failure to attend was not intended by him or his party as any slight to the people who were being honoured and arose in the circumstances that he has already explained.

2660

Hon. P R Caruana: Yes, Mr Speaker, of course, people are normally, and would normally – and should, indeed, normally – be free to invite or not invite members of the Government or members of the Opposition, as the case might be, to their events, and certainly, the Opposition claims no right to be invited to things in and around Gibraltar. That is entirely a matter in the gift and sentiment of the host of the event.

2665

It arises only on this occasion, would he agree with me, because the erection of that plaque is the erection of a plaque in the precincts of Parliament and therefore it being something that Parliament, through the Speaker, gave its agreement to do? Would the hon. Member agree with me that, to avoid the possibility of a repetition of any such inappropriateness in the future, that the House ought to consider the rule that if anybody is going to host an event within the precincts of Parliament, the invitation list should be submitted in advance to the Speaker, for him to consider whether, given that it is an event taking place in the precincts of Parliament, the Speaker considers that any issue arises as to inclusions or exclusions from the list?

2670

Hon. Chief Minister: Mr Speaker, I have absolutely no difficulty with that suggestion.

2675

In fact, the hon. Gentleman will know, and I think it is right to disclose, that you consulted both with him and with me about whether it was appropriate to have such a plaque in this place and, if I may say so, I think, with respect, that was absolutely the right position for you to take and that, therefore, it was a surprise to me that he was not there when the time came for me to say a few words.

2680

I think that this occasion is the only occasion I can recall of an event being organised there by anybody other than the Mayor's Office, who are as good at ensuring that the people who need to be in the lobby are invited...

But I would have no difficulty whatsoever with what the hon. Gentleman has suggested being the case in the future in respect of any event to be organised in this place. This place is the Parliament and, despite our separate responsibilities in it and what our roles are, we are all Members of it.

2685

**Chief Minister's visit to UK
List of persons met**

2690

Clerk: Question 232, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister provide a list of the persons, other than ministers and officials of the United Kingdom government, with whom he met during his visit to the United Kingdom between 22nd January and 27th January 2012 – Sunday to Friday – and state the purpose and subject matter

2695 of those meetings?

Clerk: Answer, the Hon. the Chief Minister.

2700 **Hon. Chief Minister:** Mr Speaker, I now hand the hon. Member a schedule with the information requested. He should note that, in respect of the third entry, there has been a spelling mistake: where it says 'cultural' it should say 'Gibraltar', and I think he will recognise...

ANSWER TO QUESTION 232 OF 2012

Maltese High Commissioner, Mr Joseph Zammit Tabona, courtesy call in advance of signing of TIEA,
Franco Cassar, Country Manager (Malta)
Norman Stone: BBC Scotland – potential for a Cultural TV Series
Iñigo Gurruchaga, La Vanguardia - Interview
Harvey Golding, Architect – proposed project
All Party Parliamentary Gibraltar Group - reception
John Tate, Chairman BBC Studios - courtesy call
Barry George/Andrew Smith (Music Industry) – potential investors
Adrian Bell – ex CBF re charity and potential investment
Chris Mitman (Investec) – financing options
Ana Garcia (Gibraltar Movie) – how to make film more readily available
Joe Gaggero - courtesy call
John Bowell, Chairman & CEO, JCBA – offer of assistance re GHA procurement
Corbelt & Co with Guy Stagnetto Jnr – re OHL litigation
Michael Beloff, QC - courtesy call
Jamie Trinidad - discussion re EUID
David Vaughn QC - courtesy call

2705 **Hon. P R Caruana:** Yes, Mr Speaker, seeing the list of people that the hon. Member saw has reminded me to do something that I had meant to do at the beginning of today's sitting but forgot, which is to acknowledge the sad passing of Mr Joe Gaggero, in which I am sure everyone in the House will wish to join. He has been a leading citizen and businessman in this community and I am sure the whole House will wish to extend its condolences to his family.

Would he wish to associate with that before I proceed?

2710 **Hon. Chief Minister:** Mr Speaker, yes. When I used to do that, he used to tell me that I should allow him to do it, but I am very happy for him to do so, because I think Joe Gaggero merits that sort of mention. It is absolutely right that we should remember today the contribution that he has made to Gibraltar life at every level, in particular in his entrepreneurial flair to Gibraltar's business life and how Gibraltar has been developed, from the days when Mr Gaggero might have started in business, during or just before the Second World War, to the Gibraltar that he leaves today.

2715 So I fully associate myself and my Government with those words.

2720 **Hon. P R Caruana:** Mr Speaker, can he confirm whether the visit to Mr Michael Beloff... It is down here as a courtesy but I cannot imagine that a busy QC does any courtesy calls. Is Mr Beloff advising the Government on any particular legal issue?

Hon. Chief Minister: Mr Beloff asked to see me, because I was in London, to pay me the courtesy of a call as a result of my being elected.

2725 I understand he advised his Government at some stage but, as I understand it, he is not presently advising the Government in any respect that I have been informed of.

2730 **Hon. P R Caruana:** I hope and expect that his visit with Mr Mitman touched upon possible sources of finance for another project that we discussed earlier – that they were interested in possible financing of power stations and things of that sort.

Hon. Chief Minister: Mr Speaker, in fact, he would find that Mr Mitman wrote to me after the Election to

say that financing in respect of that particular project was an issue that had been discussed and, when I was next in London, would I like to see him in respect of that or any future potential financing opportunities. I took the opportunity of meeting the man, to say hello, and so therefore, yes.

2735

Hon. P R Caruana: Mr Speaker, is the hon. Member able to identify, in generic terms, because I think I know what it is – the name sounds familiar – the Harvey Golding Architects proposed project. Is that one that requires a very significant amount of landscaping of an area around the centre of Gibraltar?

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Hon. Chief Minister: No, Mr Speaker, but I am quite happy to tell him what it is, which is an area that would require a lot of landscaping to the *south* of Gibraltar.

Hon. P R Caruana: Well, it depends where we have got centre or south.

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Hon. Chief Minister: Well, yes, I mean in the area of the Alameda Gardens.

Hon. P R Caruana: That is the centre, in my view. That is something that we had considered and... Okay.

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Mr Speaker, I will privately have a word with him about the third item on the list, in case it has anything to do with a proposal that was once put to us, but I will not do it across the floor of the House.

Clerk: With that, we come to the end of Answers to Oral Questions.
Answers to –

2755

Hon. P R Caruana: By the way, can I just say, Mr Speaker... Can I just say to the hon. Member... Can I just give the following indication to the hon. Member *à propos* a subject that we were discussing recently between us? If he is unable... If he wants to adjourn the House on this occasion to take legislation... I have not checked on the agenda what is the first date he can take the first Bill, but if that date is more than five days from today, we would be happy to confirm that he can safely do that without any danger that we might put down further questions.

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Hon. Chief Minister: Mr Speaker, that is very helpful but, in any event, it is not necessary on this occasion.

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I am grateful for the indication for the future.

Questions for Written Answer

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Clerk: Answers to Written Questions.

Hon. Chief Minister: Mr Speaker, I have the honour to table the Answers to Written Questions numbered W59 to W70 of 2012.

2775

Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose a question, which is that this House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*.

Those in favour (**Members:** Aye); those against. Passed.

2780

This House will now adjourn *sine die*.

The House adjourned at 6.30 p.m.