



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

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The Parliament met at 9.30 a.m.

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

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

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PRAYER

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

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Order of the Day

30 **Clerk:** Meeting of Parliament, Thursday, 19th January 2012:
Item 1: Oath of Allegiance
Item 2: Confirmation of minutes: the minutes of the last meeting of Parliament, which commenced on 23rd June 2011.

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

Clerk: Item 3: Communications from the Chair
Item 4: Petitions
Item 5: Announcements.
The Hon. the Chief Minister.

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Announcements

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

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

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

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

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

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

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Clerk: Item 6: Papers to be laid.
The Hon. the Chief Minister.

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Papers laid

85 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table:
The Consolidated Fund (Pay Settlements) Statement (No 1) 2010-11;
The Consolidated Fund (Supplementary Funding) Statement (No 2) 2010-11;
The Consolidated Fund (Reallocations) Statement (No 3) 2010-11; and
The Improvement and Development Fund (Reallocations) Statement (No 1) 2010-11.

90 **Mr Speaker:** Ordered to lie.
The Deputy Chief Minister.

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

Mr Speaker: Ordered to lie.

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Development as well, if you
want me to!
I have the honour to lay on the table a Command Paper on the law to provide a right to dignity at work for
employees.

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

110 **Clerk:** Item 7: Reports of Committees.
Item 8: Answers to Oral questions.

Televising Parliament

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

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

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

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

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

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Questions for Oral Answer

TOURISM, PUBLIC TRANSPORT AND THE PORT

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Gibraltar Port Authority Entry procedures into the North Mole for Anglers

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

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

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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 information requested by the hon. Gentleman is dealt with by the Gibraltar Port Authority Procedure No 4 that is set out in the schedule that I hand to him now.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Mr Speaker: The Hon. Edwin Reyes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Hon. D J Bossino.

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

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

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

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

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

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

300 handed to the hon. Gentleman says that:

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

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

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

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

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

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

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

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

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

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

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


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

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

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

350

A Member: Hear, hear.

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

Overview:

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

Title: North Mole Fishing Procedure.

The following conditions apply:

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

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Issue N° 6

Date of Issue: 05/01/12

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

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

Under age anglers

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

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

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



Issue N° 6

Date of Issue: 05/01/12

Annex A



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Issue N° 6

Date of Issue: 05/01/12

Annex B

Annex J: Prohibited Items

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

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

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



Issue N° 6

Date of Issue: 05/01/12

Annex C

 <p>GIBRALTAR PORT AUTHORITY</p>	<p>CONSENT FORM</p> <p>ACCESS TO GIBRALTAR PORT ESTATE FOR THE PURPOSE OF UNDERTAKING LEISURE ACTIVITIES</p> <p>(INTERNATIONAL SHIP AND PORT FACILITIES CODE 2006)</p>	
	<p>DATE: JANUARY 6, 2012</p>	
<p>Surname:</p>	<p>Address:</p>	
<p>First Name(s):</p>		
<p>Date of Birth:</p>		
<p>I, (Name in Full) hereby give consent for a criminal background check to be carried out by the Royal Gibraltar Police upon request from the Gibraltar Port Authority (if so required) which forms part of the process in applying for access to the Gibraltar Port estate for the purpose of undertaking leisure activities within the restricted area.</p>		
<p>SIGNED (If under the age of 18 legal guardian must sign on behalf of applicant)</p> <p>NAME OF LEGAL GUARDIAN RELATIONSHIP TO APPLICANT</p> <p>SIGNED</p>		
<p>..... (Name in Full) hereby give consent for the Gibraltar Port Authority to conduct a search of my person by an appointed individual prior to entry into the Port Estate.</p>		
<p>SIGNED (If under the age of 18 legal guardian must sign on behalf of applicant)</p> <p>NAME OF LEGAL GUARDIAN RELATIONSHIP TO APPLICANT</p> <p>SIGNED</p>		
<p>For GPA use only:</p>		
<p>Application for entry into Port Estate approved? YES/NO</p>	<p>Date:</p>	
<p>Criminal check requested? YES/NO</p>	<p>Date:</p>	<p>Date Criminal Check Received:</p>
<p>Senior Port Officer Sign Off</p> <p>Name: Signature:</p> <p>Date:</p>		

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Both Worlds

355

Interim arrangements governing new bus route

Clerk: Question 2, Hon. D J Bossino.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Order!

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: Order! Order!

The point of order being raised? Point of order.

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

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

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

A Member: Point of order!

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

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

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

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

Let us hear the Leader of the Opposition.

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

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

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

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

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

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

A Member: Hear, hear.

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

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

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

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

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

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

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

555 **A Member:** Not to accept a ruling...

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

560 The Hon. Damon Bossino.

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

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

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

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

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

575 **Hon. D J Bossino:** Yes, I know.

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

SCHEDULE TO QUESTION NO 2/2012

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

The route will be as follows:

Outbound:

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

Inbound:

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

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

580

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

585 **Clerk:** Question 3, Hon. D J Bossino.

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

590 **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. Captain Roy Stanbrook, age 54, has been appointed as the new Chief Executive of the Gibraltar Port Authority and Captain of the Port following a selection process which was completed on 11th November of last year.

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

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

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

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

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

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

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

Gibraltar Port Authority Employment of Marine Officer

620

Clerk: Question 4, Hon. D J Bossino.

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

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

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

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

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

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

640

Aviation policy Increasing flight passenger arrivals

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

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

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

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

Gibraltar.

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

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

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

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

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

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

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

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

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

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

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

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

710

SPORTS, CULTURE, HERITAGE & YOUTH

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

715

Clerk: Question 6, Hon. E J Reyes.

720

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

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

725

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

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

730

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

735

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

740

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

745

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

750

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

755

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

760

**Additional football pitch
Details of provision**

Clerk: Question 7, Hon. E J Reyes.

765

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

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

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

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

Clerk: Question 8.

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

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

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

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

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

795 **Mr Speaker:** Order. Order.

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

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

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

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

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

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

question then.

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

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

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

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

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

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

Mr Speaker: Order! Order!

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

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

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

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

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

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

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

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

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

880

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

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

885

A Member: Absolutely.

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

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

890

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

895

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

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

900

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

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

905

910

Fire Station Smoke extractor system

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

915

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

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

920

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

925

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

930

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

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

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

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

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

945 **Airport**
Major incident exercise

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

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

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

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

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

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

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

970 **ENTERPRISE, TRAINING AND EMPLOYMENT**

Social Security
Control of Expenditure Returns

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1045 The Hon. Mr Netto.

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

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

1050 **Hon. J J Netto:** – because I know that he will remind me, telling that he is talking ‘rubbish’, so I do not take any offence from him, Mr Speaker.

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

1055 **Hon. J J Netto:** Having said that, Mr Speaker, let me tell him that I am not asking him to provide me... well, I *am* asking him to provide me with this Report, right, which basically says – which he will get available as a matter of course, right... he will get it as a matter of course at the end of each month, but it basically says, from the estimates book, what every single sub heading is, the movement that it is in terms of the payment of those months and whether it is a surplus or a deficit at the end of that month. That is all he will get as a matter of course and he will get it as a matter of course because we, on this side, when we were there in Government, we introduced it to ensure that we kept within the limit of the Appropriation Bill.

1060 This information, as he would have reminded us many times before, was not passed to him because you never asked a question. If you asked a question when you were in a position, you would have got the information. At the end of the day, the point I am making, from a parliamentary position, is that we, in this legislature are entitled to be able to control the movement and the rate in terms of every single subject and every single head.

1065 He gets the information, like all Ministers get information, every single month and all he needs to do, once he gets that report by the civil servant, is to say, ‘There is a copy for the Minister, the opposition spokesman on the relevant...’ That is all I am asking. There is not any great effort in simply putting one of these copies into an envelope and passing it to the Opposition. The problem is that he does not want to do it, and he does not want to do it because he does not want to give us the opportunity to scrutinise the accounts that he is responsible for under the Head in this Government.

1070 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman’s remarks do not contain a question, but I think it is important that I should raise an issue, an important parliamentary issue, and an important issue of form.

1075 The hon. Gentleman appears to have a document that he was given when he was a Minister. I would be grateful if the hon. Gentleman could return that document, please, because it is obviously a Government document. It is still in his possession. Of course, he must have, perhaps, taken it home to work on it when he was a Minister, but if it is a Government document, which we are saying in this House is not a document even we have received – they are not documents that we are being given – and there is an issue between us about whether that is a document that should be shared. Certainly it is a document that I think, if he has it from his time, should be in one of the files that relates to the work he did for Gibraltar in his time. It is not a document that should now have been taken by him from Government officers into his personal possession at home.

1080 **A Member:** Hear, hear.

1085 **Hon. P R Caruana:** Mr Speaker, that is not a parliamentary matter (*Interjection*) and begs an important question about the status of papers that are to become ministerial working papers that we can certainly discuss, but could I just ask the Hon. Minister for Employment whether he would consider providing the information, as I used to do to him on many occasions, with a qualification that, of course, this is tentative and might, at some future date, change.

1090 He will recall that there was – I cannot remember now what it was, but some of the statistics that he used to ask me for regularly, I would issue him, I would give it to him with a warning that it could change, it was tentative and it could change, subject before the year end in terms of ... If that information is available, he can provide it, presumably, if he is willing to do it, subject to the fact that it may change, without then necessarily committing to provide every amendment in the ‘seven columns’, as he calls it.

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1100 **Hon. J J Bossano:** Mr Speaker, first of all, it is not true that I have been provided with this information by the Department. (*Interjection*) No. No, but the hon. Member has said that I was provided with... as if I had been (*Interjection*) and I was withholding it from him. It is not true. None of us have been provided with this monthly report.

1105 I do not know if it is true that every single Minister previous to us had this report. I do not know because, clearly, I have not asked for the figures for before December. I find it quite extraordinary that the hon. Member has actually got the figures he claims that I do not want to give it to him when, in fact, he has something that I do not have and that I have no right to have, anyway, because I was not there in September. So why should the Department give me detailed breakdowns of figures of something in September, or volunteer to give it to me?

1110 The point that the hon. Member is making is that he has, on some occasions, said to me, 'Well, look, we don't want this material to be in the public domain because we do not think it is in the public interest and therefore we will give it to you confidentially.' That has happened, but that is not the point. The point is that – I do not know whether the hon. Member appreciates it or not – if we did what the questioner is suggesting, it means that, on every single page of this document, every single possible warrant, every single thing that has been tabled today which shows movement in wages, movement in overtime, expenditure up and down, which is being estimated on a month-to-month basis, which may materialise or may not materialise... If we did that for every Department, not just for the one that is being asked, it would mean that we would have to get the Department not to report to the Financial Secretary, which they are doing now, whose job it is to control expenditure. They are our Controlling Officers. This is the internal document of the Controlling Officer.

1115 Certainly, it did not happen before 1996. I do not know if it has been happening from 1996 until now. We did not know it existed. We have not been given this information automatically. Neither me nor any of my colleagues have already asked other people and, therefore, it is not that we are getting something which we want to withhold from the other side; it is that, in fact, we think the job of the Controlling Officer is the job of the Controlling Officer and not the job of the Minister.

1120 I would like to remind the Member and, if necessary, I will bring up the questions in which he said it, the number of times for considerably less information than reproducing a changed set of figures for the whole of the estimates book, he used to say to me, 'Look, the work involved is very great.' I would have thought the work involved in this is *monumental*.

1130 **Hon. P R Caruana:** Mr Speaker, first of all, I was not referring to the confidential information. It is when he used to ask me for information on a quarterly... first of all, it was half yearly and then we tried to give them information on a quarterly basis, and there was some information, I think it referred to Departmental expenditure or some expenditure which had not been reconciled by the Treasury, and I used to say to him, 'Well, look, this is the Treasury information that exists. It is subject to reconciliation and then subject to change.'

1135 Mr Speaker, no one is asking him to do the Government's annual accounts monthly.

Hon. S E Linares: Yes, he is.

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

1140 Mr Speaker, as part of our budgetary attempt at budgetary expenditure control and not find at the end of a financial year, or towards the end of a financial year, Departments just stuck out their hands and said, 'I have run out. I have spent my whole year's allocation. Now, if you want me to carry on providing the public service until March, I need supplementary funding'... In order to try and monitor and prevent that from happening and monitor monthly expenditure, we put in place a system whereby every Department had to submit to the Financial Secretary, and to his Minister, a statement of that month's expenditure simply so that others could monitor whether they were likely to make their budgets stretch to the 12-month period or not.

1145 We are not asking for any *additional* work to be done. This does not require any. This simply requires that making available to the Minister who has asked for it, that monthly return which is already generated, which exists, and which is unlikely to change, given that it relates to expenditure actually incurred. Now it *may* change if there is a need to calculate over time retrospectively, for example. So there are some circumstances in which monthly expenditure can change something being in respect of a previous month, but it is mainly not the case.

1155 So, look, the hon. Members have to decide whether they are willing to provide the information or not, but it does *not* require a new exercise in information collation. The return, the monthly return to the Financial Secretary, exists in all the Departments, by the way, not just theirs.

1160 **Hon. J J Bossano:** All I can say is if it is so easy and it is all there and does not require any effort, then I must say that I will have to look at the answers he gave me when I used to ask him for the figures, once a year, for six months. Their figures, all that he told me then about how difficult it was to produce cannot possibly be true, if he was getting the figures every month and he used to say to me then that to give me the heads of expenditure – this is asking for every single subject in the book – and all that I ever used to ask for was the equivalent of the first two pages of this book once a year so that I could see, half way through a year, how close we were to spending the amount approved. (*Interjection*)

1165 Yes, that is what I used to get, but that (*Interjection*) used to be... that which I used to get, the hon. Member used to say to me, if I asked him in October or November, that it was not ready, that it needed more time and it needed more work. Now it turns out, from what he has just told me, that he needed neither more time nor more work because he was actually giving it to me twelve times a year, according to him, and in a massive volume of breakdown... Every single penny in this book can move up or down.

1170 All I can tell the hon. Member is, we will discuss what he has suggested, but I have to say to him it is in flat contradiction to every argument that is ever put in this House about excessive detailed information about everything else.

1175 **Hon. P R Caruana:** Mr Speaker, with respect, it is not. The amount of administrative effort and political will that went into the previous Government, my Government's, attempt to give the hon. Member all the statistical information that he asked for is legion, on record and unprecedented.

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

1180 Well, Mr Speaker, it is not true. This is information that exists. It is information. It is monthly reporting by the Departments to the Financial Secretary. It is not collated. It is not audited. It is not checked. It is just a return of expenditure. It is available. He can choose not to provide it to the Opposition, but if he chooses not to provide it to the Opposition it cannot be because it is difficult or onerous, or burdensome to collate. It requires *no effort* on their part to collate it. It is simply a question of forwarding on, but it is a matter of policy if they choose not to provide it. So be it.

1185 **Mr Speaker:** There is still no question there.

1190 **Hon. J J Bossano:** Mr Speaker, then I can tell the hon. Member that when he complained about the excessive detail of information that is available within the Departments, he was not being straightforward in... he was exaggerating the effort involved.

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

1195 **Hon. P R Caruana:** Mr Speaker, no one is asking him to put the information –

Mr Speaker: There must be a question.

1200 **Hon. P R Caruana:** Yes. Does the hon. Member accept that no one is asking him to put the information in budget schedule form? It is simply a crude, raw, unaudited existing Return of Expenditure by a Department. It does not have to be put in columns, seven, or any. If the format exists, Mr Speaker, it is produced... He may not have seen them yet. Indeed, I never used to look at them every month. They used to go to the Financial Secretary's office, where they used to die.

1205 I know the hon. Member wants a copy. The Hon. Opposition Member, Mr Netto, wants a copy. The Government can decide whether it wants him to have it or not and that is the Government's choice, but the hon. Member cannot justify not giving it to him on the basis of onerous effort required and he should not try to justify it on the basis of what he now says we used to do when he was in Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1320 Government, obviously in consultation with other interested parties in relation to this future subsidy or employment grant, is going to be one which is earmarked for a specific period of time for that disabled person, in order to be able to allow the employer to absorb or take in or optimise that particular disabled person into employment, and whether that subsidy is going to be for a specific period of time, or depend on the condition of the disabled person, may need a level of subsidy for a much longer period of time, perhaps even during the entire employment life of that particular person, all depending, of course, on the degree of severity of the disabled person.

1325 So I was trying to engage the Hon. Minister whether there is any thinking going on, when we talk about subsidies for disabled persons, as to whether the thinking by the Government is one where they are going to look at bringing professionals to be able to determine the level of severity of the disabled person and, in accordance with that, there will be some disabled persons, for instance, who may not need any subsidy at all. Just because they are a disabled person does not automatically mean you need a subsidy but, of course, there will be some disabled persons who need a level of subsidy and there may be some disabled persons who need a permanent level of subsidy. That was one of the issues that I was trying to engage with the Hon. Minister.

1330 The other thing is, of course, given that this is one of their manifesto commitments in terms of employment grants, one of the things that would help disabled persons being able to get into the world of work, would be by giving the employer, perhaps, like they do in the UK, in fact and many other jurisdictions, a small amount of money to be able to do some small adjustments, refurbishments to be able to work in an environment that is able to be absorbed and allow a proper working space for disabled persons.

1335 So the question that I am trying to put over to the Minister for Employment, which seems to say that he is going to consult about that, is whether he will at the end of that consultation process end up with particular criteria or structure in which disabled people will be analysed by the professionals in accordance with the levels of severity of their disability, will be able to get a subsidy depending on that and whether employers also will be able to get a certain amount of money for furniture, equipment, alterations that may be necessary for the disabled person, because if they do both things together, hand in hand, the possibility to absorb more disabled people into the world of work obviously is going to be much greater. So would that be part of the Government's thinking, Mr Speaker?

1345 **Hon. J J Bossano:** Mr Speaker, we are paying the persons with disability, we are treating them no different from persons without disability but, as I say, they are getting a contract of employment with the Government in a wholly owned Government company and that wholly owned Government company will place them in a place where, at present, it is no different from the place where they are already; that is to say, the people that are there already, working either in the public or the private sector, who have been getting £450 per month, will instead get a salary paid by the Government, 100%, £912.60, which is the minimum wage that a worker should get. Therefore they will have a contract of employment with the same company that employs other people that do not have disabilities; they will be completely integrated in that system.

1350 In addition to that, there are improvements in the working environment which can only be established by looking at each one of the 50 cases; and all the new ones that may come up, which the employer needs financial assistance with, it will be provided. There is no question of there being a limited amount of money available for this and, when that money is used, that is it: we will provide what is required and each case will be looked at in the context of what is required. As I have already told the hon. Member and as he must know, because the people were there already when he was in office, many of them are working in Government offices or in an environment where they have been there for many years.

1360 I cannot imagine that we are going to find that there was only very detrimental, before 9th December, that was being ignored by the previous administration, and that we need to put right. I would expect that since everybody that is there now, was there before, if there was something seriously wrong with their environments, somebody before me would have put it right. But, certainly, if there are things that still need to be done, they will be done and it does not matter what they cost. It will happen. Whether there is or there is not, I will not know until I discuss it with the people who are working in that environment or the relatives of the persons with disabilities who are in sheltered employment and they make representations to me about what we can do to improve the quality of their life at work.

1365 The answer, basically, is that we are there to provide what is required, if it has not already been provided by him before, when he was there. That is all there is to it. I would expect that most of it would have been done already, because it is not a new situation, it is a situation that has already been happening and the main difference is that they were treated before under the VTS scheme, as if they were being trained for a job when,

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

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

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

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

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

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

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

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

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

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

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

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

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

1445 **Hon. P R Caruana:** Mr Speaker, may I just ask a short supplementary so that the hon. Member might... [*Inaudible*]. Surely what the hon. Member says about Government, he cannot mean that, for example, if there were a disabled person that works or wants to work in a building in which there is no lift and three staircases and there are three floors and staircases, he is not suggesting that he is going to install a lift in the building. So there has to be – presumably that person will be encouraged to be redeployed for work somewhere else. He does not literally mean, surely, that he will spend as much money as is necessary to accommodate every disabled person that wants to work in every physical environment? Surely that would not be viable?

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

1460 So I would expect that it would be the odd case, rather than the normal case that they might need something extra.

1465 **Hon. P R Caruana:** I accept that but, in that odd case – I can illustrate it with an example, if you like – he is not saying that there is no limit to the amount of money he would spend to accommodate one individual in one particular workplace.

1470 For example, this is not an example – the lift at 6 Convent Place does not go all the way to the top floor. As he knows, it stops at the Chief Minister's floor. If there was a disabled person that wanted to be redeployed to the office of the Chief Secretary upstairs where the lift does not reach, he does not mean, does he – and I am just asking what he means by the no limit point – he is not saying that to accommodate that particular person in that particular work opportunity/place, he would extend the lift just to accommodate that person, or would he say to that person look, find a post in a department of Government where there is a lift or the premises are suitable?

1475 **Hon. J J Bossano:** There is no reason for the hon. Member to have to ask that question, because I have not said there is no limit to the money we will provide for anything that any disabled person wants. That is not what I said. I said, there is no limit to the money we will provide, if we are advised that there is something in the working environment of that person.

1480 It is not that that person says well, until the GSD lost the election, I was happy to go to the third floor, but now that the GSLP is in I want the fourth floor, and I want the lift to go up, but if the person says on the third floor where I was, they did not provide me with adequate access and there should be adequate access, then the problem –

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

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

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

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

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

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

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

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

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

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

Clerk: Question 16.

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

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

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

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

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

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

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

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

1560 In fact, it is possible that some construction companies may not have terminated the person from the site where the work ceased because they have used the last-in, first-out and people get shifted from one site to another. If they follow the procedure, which is normal, which is that the most recent employee is the first one to be made redundant, so it may be that a site has been closed down because we have not continued with the work as Government and the work on that site has been moved to another site and somebody else has been made redundant.

1565 There is no indication in the termination of employment by the employer, which sites the person was on. I would say that the fact that it involves 39 private contractors means that a lot of this took place before we took the decision that some of the jobs that had people on site in the expectation that they would continue, for example, the tunnel, I would not have thought that there would be anywhere near that number of subcontractors on that site, for the job that was being done there, but this is simply my speculation. In terms of official accurate information, the only information that I can tell you is the number of employers and the number of employees, because there is nothing else that comes in on the termination.

1570 **Hon. D A Feetham:** Is the hon. Member saying this, that he does not know, as the Minister for Employment, how many redundancies his Government's actions in terms of freezing works on sites, or terminating work on sites, has caused in terms of redundancy and numbers of people that have been made redundant?

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

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

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

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1595 **Hon. D A Feetham:** Mr Speaker, is it not extraordinary that the hon. Gentleman is saying that, as a Government, you take a decision to stop work on a particular site or sites and he does not even bother to ask, or to find out, how many redundancies they are causing by that action? Is it not extraordinary, Mr Speaker?

1600 **Hon. J J Bossano:** I do not know whether he expects you to answer whether you think that is extraordinary, but if he is asking me, I do not think it is extraordinary. I do not think it is extraordinary that the Government should say, look, we have got £20 million to carry on with the tunnel. It cost £55 million, we are not prepared to borrow more money to carry on with that tunnel.

1605 I find it quite extraordinary that there should be a situation where you set up a company, as a Government, to take on the workers from Haymills and Bruesa and, four years down the road, you are still having the people that were made redundant by Haymills and Bruesa and there are, literally, potentially hundreds of workers in Gibraltar, resident in Gibraltar, that I have got registered as unemployed. That is what I think is quite extraordinary, that we should have so much work for outsiders, and so little work for our own people. *(Applause)*

1610 **Hon. D A Feetham:** Mr Speaker, last time I read about parliamentary procedures, questions are supposed to be asked via Mr Speaker, but, Mr Speaker, does the hon. Gentleman feel comfortable with the fact that one of his very first acts as Minister for Employment is to actually cause the redundancy of some 240 people?

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

1615 I have just told him that the Government company has notified the Employment Service that they have given notice of termination – which has not yet happened – and the notice period is not yet over, 242 workers, of whom 40 are local residents and they will be at the top of the list for getting re-employed.

1620 Of the 283, the 42 are not included. I cannot tell him how many of the 283 were people working on Government contracts, nor can I tell him how many of the 39 employers were on Government contracts, but I can tell him one thing, that the Government will not, in fact, spend money on doing things that it does not think provide value for money on the basis of keeping people in work when they should be re-employed in areas that are carrying out work that the Government wants done. Therefore, I have not the slightest doubt that every single resident construction worker will be back in work on another project in a very short time.

1625 **Hon. D A Feetham:** Just in relation, Mr Speaker, to that, can the hon. Gentleman confirm that all residents of Gibraltar, regardless of nationality, who have been made redundant and wish to avail themselves of the new arrangements under the Future Jobs Strategy, will be able to do so?

1630 **Hon. J J Bossano:** Mr Speaker, every resident worker will have an opportunity to enter into the employment scheme being started by the Government, irrespective of nationality.

Future Jobs Strategy
Date of commencement

1635 **Clerk:** Question 17, the Hon. D A Feetham.

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

1640 **Clerk:** Answer, the Hon. Minister for Enterprise, Training and Employment.

1645 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question, together with questions 18 to 20 and 22 to 24.

**Future Jobs Strategy
Open to all**

1650 **Clerk:** Question 18.

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

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**Future Jobs Strategy
Adult Nursing Diploma**

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Clerk: Question 19.

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

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**Future Jobs Strategy
National Minimum Wage**

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Clerk: Question 20.

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

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**Future Jobs Strategy
Number of applicants**

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Clerk: Question 22.

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

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

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Clerk: Question 23.

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

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**Future Jobs Strategy
Origin of applications**

1705 **Clerk:** Question 24.

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

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

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

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

1720 Initially, though, it will be the current vocational trainees, together with those in sheltered/supported employment, and those undertaking specific vocational training, like the nursing diploma, some 400+ in total, who are currently paid an allowance between £250 and £450 per month, that will be offered such training employment contracts on 1st February.

1725 I can also confirm that all trainee employment contracts will entitle trainees to enjoy all the rights afforded by employment legislation, like other workers have, including the right to the standard minimum wage of £912.60 for full-time employment.

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

1730 **Hon. D A Feetham:** The hon. Member said that, initially, it will be the trainees and several others. Is he saying that, effectively, the scheme is going to commence for trainees and people in sheltered employment on 1st February and then, later on, in relation to others? Is that the position?

1735 **Hon. J J Bossano:** The position is that on 1st February everybody that was there in January under the vocational training scheme in the placement where they are already, will be, in fact, given contracts the last week in January and take up employment on 1st February. That is expected to be between 400 and 450.

1740 As the scheme progresses during the year, there will be a movement of people from the Government employment company into the areas where they are trained. In some cases the time that they require in the new Government company will be, in fact, quite short, because they have already had a long period beforehand under the scheme that was there already and those schemes – not all that many, but there are a number – where the employers have indicated that they are satisfied with the training that has been provided and the way that people have successfully completed that training and that there is a full-time job for them.

1745 From that moment on, the placements will only be in areas where there is a job guarantee at the end. If the employer does not guarantee the job, then we will not place somebody in that area, unless we are doing it because we have got somebody else that is interested in taking people if they are trained, but is not able to provide the training themselves. For example, in areas we might be getting people who are coming into the market as labourers from the construction industry, and we have identified that there is a shortage of plant operators, forklift truck drivers and that sort of thing and there is at the moment a very high level of importation of labour and very few local skills. In those areas we may be actually doing the training in one construction company and eventually, during the course of the year, people will take employment with a different one, but the majority of the placements, the employers that we are talking to will be the ones that will provide the jobs during the course of the year. As people come off a scheme, other people will come in.

1750

Hon. D A Feetham: With respect, I do not think the hon. Gentleman has answered my question.

1755 He has answered part of it. Initially, on 1st February, the scheme is going to commence for those people, as I understand from the answer that the hon. Gentleman has given us, for those people who are in existing DTS schemes or additional vocational training or taking NVQs. That is what he said. And, of course, people

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1830 Can he explain to the House why is that?

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

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

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

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

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

What is the point the hon. Member is asking?

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

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

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

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

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

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

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

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

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

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

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

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

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

1890 I can tell the hon. Member that the analysis we have made of that system is that the number of people that finished up in the trade that they learnt is miniscule, compared to the numbers that have been through the system. We are not going to put money, time and effort into training people for something for which there is no job.

1895 **Hon. D A Feetham:** Mr Speaker, if these individuals are not offered jobs in the private sector after their training, would the hon. Member confirm and give a categorical assurance here to this House today that those people will then be employed permanently by Employment Training Company Ltd or another relevant company?

1900 **Hon. J J Bossano:** No, Mr Speaker, because the answer to his question – which he ought to know, unless he just wants to send some message out which is completely false and misleading – is that their training will not start.

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

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

1910 Mr Speaker, does the hon. Member not agree with me that it is not possible to have a situation where, in the private sector, a company guarantees a job to somebody after three years' training, when you do not even know what is going to happen economically, either to Gibraltar or to that company, during that period. Isn't that the case, Mr Speaker?

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

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

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

1925

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

1930

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

1935

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

1940

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

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

1945

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

1950

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

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

1955

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

Mr Speaker: Order! Order!

1960

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

1965

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

1970

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

A Member: Hear, hear.

1975

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

1980 and now he is going to earn eight hundred and something, albeit that he now has to pay tax and social insurance, which before he did not, but he is still going to be net considerably better off. Those will indeed be very happy and I must congratulate the hon. Member for the speed with which he pays for his votes. (*Interjections*)

1985 But, Mr Speaker, the point is that he may want to argue with us about what his manifesto commitment meant, but does he not understand that, apart from the 450 who are going to be very happy immediately, there are another four or five hundred unemployed and... Sorry, there was... (*Interjections*) Yes, the overall... the difference between the roughly 1,000 – 900 or 1,000 – overall and the 450 who think – *wrongly*, it appears, regardless of who says what during the Election campaign – who *wrongly* believe that they have a commitment from the GSLP Liberal Alliance Government to provide them with this £900-odd job – well, more if you are a graduate – under this scheme for this business.

1990 The questions are not designed to expect him to do it today or tomorrow, or all on the 1st, but simply to establish that the scheme that he has devised indeed extends to those people. He has said that it does, but he has said that they will not be beneficiaries from the 1st, as I understand him, but by... I think he has said within three months the unemployed – which may be whatever the number turns out to be – will be on the scheme. I think that I have correctly understood what he has said.

1995 He has also said – and this is my supplementary – that one of the big differences here, apart from they earn more money, is that these guys are not ‘trainees’, although they are being trained, but their status is not trainee. Their status is full employee. So these people come into this company and they will be trained, although they are full employees.

2000 I think what the hon. Member has just said to my colleague, Mr Feetham, is that they will be let into the company unless they come with a letter from some employer – which could be a public sector employer or a private sector employer – saying, ‘I will employ you when Mr Bossano’s training company has finished training you.’

2005 Given that they will be employees of the Government Training Company, which he has said he wants to use to create a labour pool, if for whatever reason the employer, for example, simply reneges – to put it at its most simple – on his commitment to take on the employee – for good, bad or indifferent reasons, simply says when the time comes, ‘I will not employ this person’ – does he not accept that he then has an employee of a Government company that he can only do one of two things with? He can either sack him and say, ‘Well, I took you on thinking that this other person was going to employ you and they have reneged, so off you go’; or offer them permanent employment, keep them on yourself in the company. In other words, because they are employees and not trainees, they are on your lap.

2010 So, if whatever you thought, the Government thought, was going to happen to take them off your lap does not happen, they are your employees and that status can either be continued or discontinued. If you continue it, you are guaranteeing them employment, and if you do not continue it, you have got to sack them.

2015 So that is my first supplementary: does the hon. Member agree that that would be the position in that scenario? Does he have a concern, or not, that there is a danger that people will see this vehicle as a pre-entry into a public sector employer, in the knowledge that if the private sector does not take them off your hands they stay as employees of a public sector company and that no-one is going to want to be placed with a private sector company because everyone is going to want to go to a public sector placing because, that way, they see scope for staying in the public sector, thus frustrating what the hon. Member had in his mind when he devised the scheme? In other words, everyone will want to go into a public sector place, which was really the case under the Youth Training Scheme already, as he well knows. Everybody wants to place with a public sector employer, not with a private sector employer. Does he consider that these dangers may exist, and does he have these concerns?

2025 **Hon. J J Bossano:** We have had no indication of that to date. When we put the scheme into place and it starts working. If there are problems of that nature we will solve those problems.

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

2030 At this stage, all I can tell him is that what is starting on 1st February is programmed to continue during the next 12 months and that the results will be obvious, verifiable and for the benefit of residents of Gibraltar, and that therefore it ought to be something that everybody in this House should welcome.

2035 **Hon. P R Caruana:** Mr Speaker, I should say, just by way of preamble to what will be my last supplementary, that the Members on this side of the House, much as they will celebrate if he finds employment for everybody in Gibraltar who is unemployed or a trainee, we have grave, grave scepticism to the point where we think it is fraud in design, this idea that employers are going to commit in advance of so-called training delivered by this company to employ somebody after they have been trained without knowing how they are going to emerge from that training, not least when you include the 400 unemployed people who include some of the most unemployable people in Gibraltar, in terms of the difficulty for one reason or another.

2040 Of course, the hon. Member will find employers willing to co-operate with them – that has always been the case – but he will not find co-operative employers, in the private sector at least, in the thousand... well, 900-1,000, 850-1,000 people who fall into the three categories to which the policy is going to be extended in due course. Does he not recognise that, in those circumstances, there is a danger, which is how people generally have interpreted the effect of the scheme? Whether it was the intended effect is another question, but the effect of the scheme has been interpreted that, effectively, of these 850 or a thousand people, those who are not taken on by the private sector will end up with permanent jobs in this Government-owned company.

2045 We certainly have that concern, which is not to be confused with a wish that it would succeed. Of course we wish that it would succeed, but we do believe it has that fundamental flaw that it actually discourages people from wanting to go to the private sector because they see it as a possible route to stay under the protective umbrella of the public sector which, as he well knows, is the preferred employment option of most Gibraltarians, and certainly of the category that we are discussing here. Does he not have that concern, and will he make a statement in this House when he sees signs that that might be the case?

2055 **Hon. J J Bossano:** I do not have the concern and I will make the statement.

Clerk: Question 21, the Hon. –

2060 **Hon. D A Feetham:** I had not, in fact, finished.

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

2065 **Hon. D A Feetham:** With respect, Mr Speaker, the hon. Gentleman has been asked supplementaries about one or two of these Questions. He has bunched, I think, it is about eight questions or seven questions into one answer and he has not actually, for example, answered the Question in relation to the applications received in the GSLP. He has not touched upon that.

2070 But that is not the first supplementary question. The first supplementary question was: has the hon. Gentleman estimated the actual cost of the Future Job Strategy on a monthly basis?

A Member: Or annual?

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

2075 **Hon. J J Bossano:** The cost for the two months of this financial year will be of the order of £1 million, with 500 people at £10,000 a year.

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

2080 **Hon. J J Bossano:** The gross cost, yes. It is two months and not a full year, but that is, for the numbers that are coming in at the beginning, what the cost in a year would be.

2085 In terms of the applications, there are no applications. I have already answered that. I have told him that the people are being selected and that the people will be identified and will be offered a contract in a training programme which is programmed to produce a skilled person with a job at the end.

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

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

Is that the position?

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

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

2100

So we are doing all the work.

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

2110

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

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

2115

Mr Speaker: Order! Order!

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

2120

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

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

2125

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

2130

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

2135

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

2140

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2195

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

2200

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

Clerk: Question 21, Hon. D A Feetham.

2205

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

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

2210

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

2215

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

2220

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

2225

Hon. D A Feetham: Thank God.

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

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

2230

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

2235

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

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

2240

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

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

2245

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

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

2250

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2310 you were promised it, we will honour it,' like anything else where there is a commitment from the preceding administration that we feel we have to honour, and we will honour it. We might have done something different, and we might not. We might have given them the job, anyway, but their jobs have been given to them on the basis that they claim that that is what they understood that the Minister had told them.

2315 This may be a similar phenomenon to the one the hon. Member, the Leader of the Opposition, expects about people thinking they are going to get jobs in the public sector. Obviously, all those who spoke to the Minister thought they were going to get jobs in the public sector, and they have got them, so their expectation in this limited category has been met.

2320 I can tell him that not one single person has been employed in the employment company, or anywhere else, on the basis that he has been selected for being a member of the GSLP, and therefore where the 'jobs for the boys' come in, I do not know, because in fact there are no 'jobs for the boys'. The whole of the 450 that were in the schemes in the Government are the ones who are going to start work in a Government company on 1st February, *all of them* – nothing to do with whether they are in one party or in another party. So it is jobs for all the boys and all the girls who are getting less than half the minimum wage.

Several Members: Hear, hear.

2325 **Hon. P R Caruana:** I would like to ask one supplementary and afterwards, and separately, raise what I hope will be a short point of order, with your indulgence.

2330 Does the Hon. the Minister for Employment, the Hon. Mr Bossano, agree with me that whether or not this or the previous Government indulged in 'jobs for the boys'... In other words, Ministers are there to help people in employment, so if somebody comes and says to the Government – as they used to every day, to my clinics and no doubt they will to you. Ministers say 'we will do what we can', fine.

2335 Is he not able to draw a distinction between that situation, which is the one that he has been speaking to just now, and the situation in which people might wrongly have been led to believe that there is a blurring of the lines of distinction between state and party? In other words, if a section of the population – unemployed people, or youth, or trainees – are told by a political party days before an election, 'Come to my party office, register with me' – it is reputed, although I cannot know this for a fact, that they were also being asked to be encouraged to become members of the party – does he not understand... and then that party wins the election, and the first thing that the person that they saw at the party office does is convene them to a public meeting of that sort...

2340 Does the hon. Member not have any degree of sympathy or understanding at all for the view that there is, at the very best, the danger that these people might draw a link – which he says does not exist, but that is not the point – the point is what *they* think, not what *he* thinks – that these people might be led to believe that there is a connection between their prospects and their attendance at the GSLP party meetings?

2345 It is about perception and lines of distinction between party and Government have got to be preserved properly, because people cannot be allowed to think – even wrongly think – that somehow, participating through the party machinery is an advantage, or a potential advantage, when it comes to dealing with the government of the state.

2350 Does he not have any degree of sympathy for the view – does he not share the view – that many people, including us, and this side of the House believe that those lines between party and state have been blurred by the chronology of events from before the election, through the election and these meetings after the election?

2355 **Hon. J J Bossano:** No, I do not, Mr Speaker.

2355 Indeed, if that perception existed, then it can only exist until the end of January because, on 1st February, the people who are going to be given the opportunity to join the new employment company are going to be the people who are there today, irrespective of whether they are in the GSLP or they are not in the GSLP. So if there was a perception that it would be only for the GSLP, that perception is incorrect.

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

2360 **Hon. J J Bossano:** No, I do not want to accept that the perception exists but, if it does, it can only exist for another week because, at the end of January, it will be seen clearly that the opportunity is going to be offered to every single person and they can take it up, or they may not take it up, but the old scheme is disappearing and everybody is going to begin to go into the new one.

2365 In fact, everything that had to be explained was explained to everybody. As I have already said, if there had been a party meeting exclusively for party members, and there had been nothing for those who were not party members, the meeting that I addressed on the Job Strategy was a meeting held during working hours for all the 450 cadets or trainees, where the Department asked them to come to the meeting and where the employers were asked to give them time off work and a full detailed explanation was given in a meeting that lasted for three hours, where I answered hundreds of questions from the people who are directly affected.

2370 I do not know what more you can do in order to make sure that the people who are going to be affected by a policy be given an opportunity. They did not need to wait for this meeting of Parliament to find out what was going to happen; I actually convened them all, paid them for being there, and explained it all to them, and it is those people, and only those people, who are starting in February.

2375 The fact that, in addition to that, the party is, of course, fully committed to the manifesto and the policies of the Government and that there are many people in the party who are being kept completely up to date of everything that the Government is doing – as they should be – that does not mean that now we are in Government, we forget about the party. No, that will not happen.

A Member: The first meeting was through the party!

2380 **Hon. Chief Minister:** I had breakfast on the party as well, and really enjoyed it! (*Laughter*)

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

2385 I would like to invite the Hon. Chief Minister to withdraw a remark that he made loud enough, not just for everybody in the House to hear, but for everybody in the public gallery to hear, at the beginning of this last exchange, where he said: '*Mira lo que dice, el hijo de Michael Feetham.*'

2390 I think that it is not appropriate to bring our fathers and our mothers into our political debate. I think, on reflection, I am sure he will agree with me that his remark was uncalled for, unnecessary, unparliamentary and, in any case, I do not suppose he was making any imputation against Michael Feetham because, if he were, that would be in breach of another Standing Order. So I am hoping that, without the need for me to go on any further, he will, by now, have reflected on what he said and agree with me that it is not an appropriate remark. One thing is for us to attack each other and another thing is to make imputations about, or attack, our paternal roots..

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

2395 **Hon. Chief Minister:** Mr Speaker, I said in my speech at the ceremonial opening of the House that I would do everything possible to bring down the temperature. I have let myself down with that remark and I am grateful for the hon. Gentleman's invitation to withdraw it – and I do withdraw it.

2400 In particular, Mr Speaker, I would refer the hon. Gentleman to the statements he has made on a number of occasions of the parent of another one of the Members of this House, who is Dr Garcia who, when he was on the other side, often had the hon. Gentleman referring to his particular profession etc.

2405 The hon. Gentleman is absolutely right, it was one of those heated moments of political exchange this morning, where we all get hot under the collar and say things that sometimes we should not say, and I am quite happy that the proceedings today should continue on the basis of us attacking those of us who are here, for the good of our community, so that what we are doing is not attacking but scrutinising each other's policies and nothing more.

Mr Speaker: I am most grateful for that.

2410 **Hon. P R Caruana:** I am very grateful, too, to the hon. Member for having withdrawn an eminently withdrawable remark. I am grateful to him for doing it, I think he has done well to do so.

2415 On the other hand, I cannot agree with him that it is right to compare that remark – (*Interjections*) which is accusatorial and insinuating about the father of a Member of the House, with a point in which I was being attacked for giving Government-funded advertising in a newspaper simply because they were supportive of the GSD. I was simply saying, 'Look, how can you accuse me of this, when I give Government advertising also to a newspaper that is owned by the father of Dr Garcia?' I do not think the two references... For a start that is a factual statement. Not only is it factual, but it makes no insinuation, adverse, critical or otherwise, of Dr Garcia's father. I honestly do not think the two allusions are comparable in nature.

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

2420

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

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

2425

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

HEALTH AND ENVIRONMENT

2430

Trees from Engineer's Lane car park Present condition

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

2435

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

2440

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

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

2445

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

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

2450

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

2455

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

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

2460

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

2465

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

2470

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

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

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

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

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

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

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

2490 I am happy to leave this point at this juncture.

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

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

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

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

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

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

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

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

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

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

2530 I just was wondering whether the Member could help me reconcile this apparent contradiction in the level of ministerial responsibility and accountability. But I can see that he cannot, so we will leave it.

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

2535 Therefore your argument is flawed, in the sense that, if I were to talk about education and teaching, and even now about law, I could have an opinion as a Minister, and that was what my comment was directed at.

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

2540 It is not, in the context of the exchange that I was having with Dr Cortes, Dr Cortes's knowledge of trees that is relevant, but the previous Environment Minister, Mr Britto's knowledge of trees. He has no knowledge of trees, just like you appear to say you have no knowledge of heritage. Therefore, what I was comparing was holding an Environment Minister who is not an expert on trees but was held to account by you when you were in opposition, with now you who are also not an expert on heritage saying that it is not for you because you are not an expert.

2545 So we are not comparing Dr Cortes's knowledge of trees with your knowledge of heritage; we are comparing the Hon. Mr Britto, the previous Environment Minister's knowledge of trees with your knowledge of heritage.

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

2555 Another thing is that some Ministers have been known, in the past administration, to go to a particular site, not particularly like a landscaping design, and at very short notice and at considerable cost, change the design that had been prepared by the experts.

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

2560 Now, Mr Speaker, there is no need to pursue this any further, except to say that I agree with what the hon. Member has said about Ministers being held to account for not taking advice. If a Minister chooses not to take technical advice, the least that he must be expected to do is to justify, politically, his departure from the technical advice. I think that that is absolutely spot on correct.

2570 I still cannot reconcile – and I am not going to labour the point, because I think we have finished it now – but the hon. Member then must now couple that statement with an acknowledgement that, to the extent, that there was previous criticism of the previous Environment Minister's decision for the trees issue – if I can just call it that – they *assumed* that he had taken advice which he ignored, and you assumed, against him, that he was not acting precisely on the basis of the advice or, indeed, that he was simply not aware, and this is what the technical people did. That is what I am saying: either Ministers are held to account for things that technical people decide, because that is where the expertise lies, or they are not; but it cannot be 'yes' for trees when you are in Opposition but not for heritage when you are in Government.

2575 That is the only point I was making. I think it is just one of consistency.

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

2580 What I must say is that I am aware that the Government, which channelled particularly... and which ministry it was directed to – because I know that it was not always the Ministry for the Environment which

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

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

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

Hon. Dr J E Cortes: Accepted!

2595

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

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

2605 **Hon. S M Figueras:** Mr Speaker, will the Minister with responsibility for the Environment confirm how the Government is progressing with the resolution of the water pollution at Western Beach, in particular in respect of the relocation of the Spanish storm drain which empties into the area?

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

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

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

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

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

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

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

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

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

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

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

2640

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

2645

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

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

2650

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

2655

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

2660

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

2665

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

2670

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

2675

2680

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

2685

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

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

2690

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

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

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

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

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

2710

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

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

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

2725

2730 We can demand but we can be ignored or we can try and persuade politically, which is what we attempted to do – got their commitment to do the work – I had a very good meeting with the Mayor of La Línea, who, by the way, before she was Mayor of La Línea had been the official in the Junta de Andalucía before responsible for giving the licence for the work to be done in the first place, in her capacity as environmental officer of the Junta de Andalucía, and there was immediate acknowledgement of the need to fix the problem. But, from that, to actually getting an ayuntamiento which cannot pay its staff their wages, to undertake a major job of repair, because Gibraltar does not like pollution emanating from the beach – I hope he will understand the extent of the difficulty that we faced, and which he now faces, in bringing a rapid end to this situation.

2735

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

2740

Mr Speaker: The Hon. the Chief Minister.

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

2745

Mr Speaker: Is that convenient? All those –

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

2750

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

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



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

5

The Parliament met at 3.00 p.m.

10

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

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

15

Questions for Oral Answer

20

CHIEF MINISTER

**Civil Service
Employment of disabled persons**

25

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

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

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

Clerk: Answer, the Hon. the Chief Minister.

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

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

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

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

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

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

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

Hon. D A Feetham: What is the fruit?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. D A Feetham: Or 65% employment.

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

160

**Guaranteed Superannuation Fund
Government introduction**

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

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

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

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

175

**Guaranteed Superannuation Fund
Exact terms**

180 **Clerk:** Question 83.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr Speaker: The Hon. Daniel Feetham.

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

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

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

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

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

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

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

310

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

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

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

320

Clerk: Answer, the Hon. Chief Minister.

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

325

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

330

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

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

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

340

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

345

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

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

350

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

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

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

ANSWER TO QUESTION 84 OF 2012

SCHEDULE OF GOVERNMENT FUNDED CAPITAL PROJECTS AS AT 8 DECEMBER 2011

GLRC Projects

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

Improvement & Development Fund

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

Government Companies

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

OTHER PROJECTS (No Head of Charge identified as yet)

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

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

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

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

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

385 He has come out on television on more than one occasion now saying that his Government has stopped Government projects whilst they are each reviewed one at a time to see which are value for money, which they will prioritise, which this and which that. Can the hon. Member say who has made the decision to stop projects for evaluation, which he has said have been stopped? Can the hon. Member say whether he has made those decisions and, if not, who has made the decisions that he has announced?

390 We are not attributing to him the stopping and starting of projects. He has said publicly, as recently as last night on television, although he had said it before, that the Government had stopped these projects whilst they were re-evaluated. Now I am asking him who has made those decisions, and the Hon. D A Feetham is asking him which have been stopped and which have not been stopped, unless they have all been stopped.

395 Can I ask him just to bear in mind, when he answers, my third supplementary is that GJBS, a company owned by the Government, has caused its subcontractors to make workers of it redundant, on the basis they have been told that the Government has stopped their work and will not allow them to get on with work. So someone somewhere – either him, or somebody obviously without his knowledge – has issued instructions in specific projects.

400 The hon. Member must at least be in a position, surely, to make good his public statements that projects have been stopped in order for their re-evaluation. No-one at this stage is commenting on the correctness of the decision to stop or whether the projects should finish or not finish. That is for a later day. The question now is has work stopped on all projects, has work stopped on no projects, or if it is a hybrid, on which projects has work stopped and on which has it not stopped? This is what he has been asked for, and, again, he seems unable to answer. Can he, indeed, answer?

405 **Hon. Chief Minister:** That is not the position. The position is that we have made, collectively, the decision to stop all the capital projects. We have also – (*Interjections*)

Hon. P R Caruana: They are all stopped?

410 **Hon. Chief Minister:** Mr Speaker, ‘stopped’ does not mean stopped for good (*Interjections*); it means that they were stopped and they are being restarted.

415 The only issue with not giving the answer that the hon. Gentleman seems to want is that some of them may already have been restarted and I do not have clear indication that they have restarted, and I do not want to be told: ‘You didn’t say that at Montagu Gardens there was going to be somebody on the scaffolding, and there they are and why didn’t you say that?’ That is what I am saying, Mr Speaker. We have started the process of reassessment of the projects. Some of them have been allowed to recommence; some of them have not. There are some, Mr Speaker, where I am very happy to tell him that works have stopped, and he knows.

420 Mr Speaker, the tunnel, for example, across the airport, or under the airport, is a major project. That project is presently stopped and there will have to be a detailed assessment of whether that is going to go ahead. There is another question on the Order Paper that deals with that and my answer on that will also offer the hon. Gentleman a conversation, so there are not things said across the floor of the House that could prejudice Gibraltar PLC – and I am sure that he will accept that that is the position.

425 I can go through this with him, if he likes. A lot of these are projects that actually came to completion by the time that they were leaving No. 6 and Government. Those are not going to be controversial, but I think that there are projects, which are not necessarily on this list that I have been given, which I have seen on another list, and I do not want to mislead the hon. Gentleman. But I am quite happy, Mr Speaker, to show that I know exactly what is happening with all of these projects on this list and go through them one by one.

Therefore, Mr Speaker, GLRC projects –

430 Project 1a: air terminal and frontier access roads. The air terminal continues, obviously. That is number 2, but the access road works have been paused whilst the Government makes a decision. That includes the tunnel.

Project 1b: the Devil's Tower Road dualling. That has been substantially completed, as I understand it.

Project 2: the air terminal. The air terminal is in the process of being completed. That continues.

435 Project 3: MoD relocations. That is in part paused, but in part proceeding because there are demolitions that relate to those MoD relocations which may be going ahead.

Project 4b: Mid Harbour reclamation. That, as I understand it, is substantially completed.

Project 5: GoG relocations. Some of them are ongoing; some of them have been paused.

440 Project 6: infrastructure projects, including the pumping station. I believe that most of those are going ahead.

Project 7: GoG rental housing and link road. I believe that that was substantially completed by the time that the hon. Gentleman left office.

Project 8: the new power station initial set-up costs. The initial set-up has continued, but no decision has yet been made, as the hon. Gentleman knows, on whether we are going to proceed with the power station contract.

445 Project 12a: park-and-ride car parks were substantially completed by the time that the hon. Gentleman left office.

Project 12b: short-stay airport terminal car park. I believe that that is one of the ones that is completed, insofar as it is an open car park outside the terminal, but other works there may have been paused.

450 Project 14: revetment repairs. I understand that that is now substantially completed.

Project 21: beaches. I understand that a lot of that was done in their time in office. I understand there is a second phase which could start very soon, which is paused.

Those are the projects, Mr Speaker, that relate to the work on which Gibraltar Land Reclamation Company is providing advice to the company.

455 On the Improvement and Development Fund head, Mr Speaker, the beautification projects at Orange Bastion and Irish Town Depot and the beautification of Europa Point are paused.

Mr Speaker, the new roads and tunnel projects are substantially paused as well.

The GIS development we are having a meeting on. It is not an infrastructure project in the physical sense. That is more a software project. We are having a meeting on that very soon.

460 Mr Speaker, under head 5 of the Improvement and Development Fund, on the other projects, the new prison is substantially finished.

The rubble tip removal, I believe, was in the process of continuing.

The women's hostel is completed.

The law courts continue; they are not yet completed.

465 The revetment and promenades: I understand that that was substantially completed.

The upgrade of the playgrounds was substantially completed at the time that the hon. Gentleman left office.

The Old St Bernard's Hospital demolition and conversion works continue.

The Old Naval Hospital conversion and refurbishment will continue, subject to some changes which may need to be made to the works being done.

470 The Cancer Relief Centre, as far as I understand, has been substantially completed and that is something that will be welcomed across both sides of the House, and it was substantially completed by the time that the hon. Members opposite left office.

The Heritage Building refurbishment is paused, Mr Speaker. That is something that had not started yet. We are in the process of making a decision about whether it will proceed.

475

The bus shelters have been substantially completed.

The public toilets, Mr Speaker, thank goodness, have been substantially completed, because those definitely would have been stopped by us.

Mr Speaker, the smart bikes. The first phase was completed. The second phase has not yet commenced. We are assessing how best to proceed with that.

480

The implementation of the Parking and Traffic Plan is a thing in constant motion. It involves parking, and I will get to issues which relate to parking in a few moments because the next items are car parks. That is something that continues in respect of the car parks at... I have difficulty seeing here where the Arengo's car park and the Engineer Lane car park... That is Grand Battery next, is it?

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Hon. P R Caruana: That is not a car park.

Hon. Chief Minister: No, you are right, sorry. So Engineer car park and Arengo's car park are continuing. The others are paused, Mr Speaker.

490

Grand Battery (*Interjection*) is the top of Casements, that is right. The one at the top of Casements is continuing and soon will be completed, and maybe we will move to a second phase there.

Governor's Parade: there is a phase that is being finished as we speak. Before we move on to the second phase, we need to make an assessment which will relate to some allegations of right of light, which the hon. Gentleman may be aware of, which we need to investigate for ourselves.

495

The Upper Town and New School Buildings, Mr Speaker, is paused.

The Town Range Building (Clubs) I believe is continuing.

The Men's Hostel at the Old Guard House is paused, Mr Speaker.

The Main Guard is paused.

The loans for repairs to housing estates, as I understand it, have continued.

500

The installation of CCTV cameras was... All the procurement had been done before the Election. The works had not started. I believe that the works are about to start.

The boat moorings work, I believe, has not been paused. The partial payment of premium on land sales in St Peter's...

505

Hon. P R Caruana: Not paused but continued.

Hon. Chief Minister: I believe we said at the beginning that that should not be paused. I believe it continued through.

The partial repayment of premium on land sales in St Peter's Close is not a works issue, but it is under that head as an expense.

510

Mr Speaker, in respect of Government companies, Montagu Gardens and Montagu Crescent repairs, as I understand it, continue.

The ex-OEM housing projects continue. Some of them have been completed and may have to be done again.

515

The works at Waterport Terraces will continue.

The purchase of the new buses is something that we are looking into.

The retrenchment block at Lathbury Barracks, I believe, was substantially completed in their time in office.

The Upper Town refurbishments will continue, but those are paused at the moment.

520

The repairs to the Harbour Views podium: as far as I know, we have not been asked to stop those. I do not know whether those were actually completed and did not come to us as an ongoing project.

The Brympton Estate repairs, including Victoria Residency, is an issue that we are discussing, Mr Speaker.

The Willis's, Sandpits and New Harbours car parks, as I understand it, were substantially completed.

525

The Western Beach project which, as I interpret it, as a capital project, is a reclamation... is something that we expect and hope to be able to start planning quite soon.

The Eastside project, what the hon. Gentleman had given instructions for, which was the reduction of the height of the mound, were substantially completed, less for an area which resembled a cove, which may be

530 maintained, at least for now, in the area to the north of Catalan Bay. It may be that we progress further works in respect of the Eastside project, but I have not yet had an opportunity of having further discussions with the principals that the hon. Gentleman had entered into an agreement with.

Mr Speaker, in respect of other projects, South Jumpers Bastion is paused.

Plata Villa, I believe, is paused.

535 The improvement works in the play zones at Varyl Begg Estate – the first phase had finished. We were about to start the second phase, and what we have said in respect of that is that we would like to see the work done in respect of the first phase, which was covered in scaffolding during the course of the General Election campaign, the hon. Gentleman will remember. We want to see it for ourselves before pressing the button on the second phase.

The refuse shelters, Mr Speaker: as I understand it, all of those were completed, or substantially completed, by the time that the General Election was called.

540 Mr Speaker, I must tell the hon. Gentleman that I think that there are other Government projects which are actually not on this list, because the way that this list has been compiled is from the estimates and I think that there are others that may be out of this list, but I hope that that is helpful.

545 **Hon. P R Caruana:** Mr Speaker, it is helpful, but it would have been more helpful if the question had been answered.

550 The Government asks, as at 7th December, which projects were ongoing... The Opposition asks, rather, which projects were ongoing, and in respect of those which have been paused and which are continuing, and what we get by way of answer is a printout of all the capital... Some of them are not even projects. Some of them are expenditure on motorcycles for Gibraltar Car Parks Ltd. It is just a printout from a computer. No attempt made to actually answer the question asked.

555 The hon. Member, assuming that the information he has given us on his feet is accurate, could easily have put that into a proper answer to the question asked, instead of giving us a schedule which makes no attempt whatsoever to answer the question asked. That is all. It is not a question of being helpful or unhelpful. Of course, it is helpful to have things rather than not to have them, but he has demonstrated that the Question could have been answered easily.

Mr Speaker: There is no question over there, you know.

Next question.

560

Increasing the age of consent Government consultation

565 **Clerk:** Question 85, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm that his Government will now be consulting the people of Gibraltar on increasing the age of consent?

570 **Clerk:** Answer: the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question No. 32/2012.

575

Crimes Act and Criminal Procedure and Evidence Act Intention to commence

580 **Clerk:** Question 32.

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister for Justice state whether the Government intends to commence the Crimes Act and the Criminal Procedure and Evidence Act?

Mr Speaker: I think we had assumed we had reached that Question by now.

585 **Clerk:** Answer, the Hon. the Minister for Education and Financial Services, Gaming, Telecommunications and Justice.

590 **Hon. P R Caruana:** Mr Speaker, with respect, the Chief Minister has said that *he* will be answering it with Question 32, but he can change his mind about this if he wants.

595 **The Minister for Justice (Hon. G H Licudi):** What the Chief Minister meant was that *the Government* will answer these two Questions together, because they are, in some way connected. So I will answer this one and the Chief Minister will answer his one, and the Opposition will understand why these are being taken together.

Hon. P R Caruana: Oh, I see. You are going to answer one and he is going to answer the other.

600 **Hon. G H Licudi:** Mr Speaker, Question 32 is asked of me, and the other one is asked of him. Mr Speaker, the Government intends to commence the Crimes Act 2011 and the Criminal Procedure and Evidence Act 2011, although some amendments will be required and not all parts will necessarily be commenced at the same time.

605 I have already held discussions on these matters with the Commissioner of Police and the Commissioner designate. Those discussions are ongoing. The Government is also consulting the Attorney General, the Bar, the Gibraltar Courts Service and the Judiciary on the commencement of the two Acts. A decision on the final form of the Crimes Act and the Criminal Procedure and Evidence Act and which provisions will be commenced on what date will be taken once those discussions and consultation are concluded.

I can, however, inform hon. Members that there are several policy decisions which have already been taken by the Government and which are unaffected by the ongoing discussions.

610 The provisions in part 12 of the Crimes Act which impact on the age of consent will only be brought into effect after a public consultation process has taken place in accordance with the policy announced by the Government when in Opposition. That policy was, and continues to be, that there should be equalisation in the age of consent for heterosexuals and homosexuals but that the age at which equalisation should occur should be fixed by statute only after consultation with the general public has taken place.

615 Equalisation has already occurred as a result of the ruling of the Supreme Court of Gibraltar dated 8th April 2011, following a reference to the Court by the then Chief Minister. Commencement of the relevant provisions in the Crimes Act is not, therefore, necessary to achieve equalisation.

The Government intends to issue a consultation paper on the age at which equalisation should be fixed by statute. The precise form of the relevant sections within part 12 will be determined after the public consultation exercise has concluded.

620 As regards the Criminal Procedure and Evidence Act 2011, the Government intends to repeal those provisions which abolish the right to silence. As stated by me during the debate on the Second Reading of the Bill, the right to silence is a fundamental right and it was, in our view, wrong for the then Government to introduce legislation to abolish this.

625 **Hon. D A Feetham:** Does the hon. Member accept that, given that, as he has rightly pointed out, the Supreme Court of Gibraltar has already equalised the age of consent at the age of 16, what they would effectively be consulting on would be an increase in the age of consent from 16 to 17 or 18 – for everybody, obviously?

630 **Hon. G H Licudi:** Mr Speaker, we will not pre-empt what that consultation will be about. We are currently preparing a consultation paper. The consultation paper will be about what age should be fixed by statute. That is what the consultation paper will be about. We will consider any matters that are brought to our attention during the course of that consultation process, and a final decision would be taken at that stage, and not now.

635 **Hon. D A Feetham:** I am not asking the hon. Member to make a decision now; that is not the question. The question is, in the light of the fact that the Supreme Court of Gibraltar has already reduced the age of

640 consent for homosexuals from 18 to 16 – they are equalising it at 16 – what the Government is, in fact, consulting on is whether there should be an increase in the age of consent for everybody, either to 17 or to 18.

645 **Hon. G H Licudi:** No, Mr Speaker, the Government is not going to be consulting on simply whether there should be an increase. There is a possibility that the age will stay the same, so the consultation will be about what age should be fixed by statute for consultation. I can say the same thing 20 times, if the hon. Member wants.

Hon. D A Feetham: It is just, Mr Speaker, that the Members opposite are in unusually slippery form today. That is why I have had to repeat my question.

650 Can he say to this House what parts of the Crimes Bill he intends to commence and what parts – in other words, that are non-controversial – he intends to commence on the Crimes Bill and the Criminal Procedure and Evidence Bill? Can he also give an indication to this House of when he intends to commence those parts?

Hon. G H Licudi: Mr Speaker, the position, as I understand it, was very clear in my original Answer and there was nothing slippery at all about that.

655 I have said that I am holding discussions. In fact, I have had two meetings with the Commissioner of Police where I have discussed this particular issue. I am also in the process of consulting various other interested bodies like the Bar, the Attorney General, the Courts Service and the judiciary, and those discussions and consultations are ongoing. It is not for us to pre-empt what the outcome of those discussions and consultation will be. The final form, the precise form, of what is going to be introduced and when they will be introduced will be determined once that process has concluded.

660 I can, however, say to the hon. Member this: I have given an indication of specific policy decisions that have been taken in relation to matters which have been brought to our attention which we have considered under the Crimes Act and the Criminal Procedure Act. We will consult and take a final decision at that stage, but what I have also said is that there are some amendments that could be required. In particular, there will be a number of drafting amendments. I am not sure whether the hon. Member was aware, during his time as Minister for Justice, but there are some issues where there is a cross referencing between one Act and the other. Some sections are referred to in one Act as being sections in the other Act. My understanding is that that cross reference does not always match and there is a need to make some amendments to that cross referencing that applies.

670 There are also a couple of substantive issues – (*Interjection*) Well, we certainly missed it. The Government missed it. The drafters have brought these matters to our attention and it is our responsibility to correct it. So amendments will have to be brought to this House before those matters can be actually commenced.

675 There are also a number of substantive issues which are being considered and which may, in all likelihood, require amendment. There is a substantive issue, I can say, for example, in relation to the offence of arson, where there is a specific defence provided which, as we understand it, should not be there. So that will require an amendment.

680 There is another substantive issue in relation to disclosure by the defence, specifically in Magistrates' Court proceedings, where there should be powers given to the Court to disapply the disclosure exercise in very minor, run-of-the-mill cases where it would be cumbersome for disclosure obligations to arise. So those matters are currently being considered.

There is also another substantive issue which is being considered, which is of a sensitive nature, and on which I am happy to brief the hon. Member privately. That is a matter that is being considered.

685 There are training issues which arise. There are issues related to Customs officers because the Criminal Procedure and Evidence Act extends the provisions of that Act to Customs officers. As I understand it, no provision had been made by the previous administration to provide training. There is a provision for declarations to be made by the Minister with responsibility for Customs for modifications to apply in terms of the procedure when it applies to Customs officers. That had not been done as at 8th December, as we understand it.

690 There are provisions which relate to other public officers, like factory inspectors, like labour inspectors. Again, there is a provision for modifications to be declared in respect of how the Act is going to apply to those officers. Again, that had not happened as at 8th December.

There are all those issues that are currently in the mix and, on top of that, we are carrying out consultation,

695 as I have indicated, in respect of the specific commencement of the Act, whether it is possible for the whole of the two Acts to be commenced at the same time, or whether it should be done in various parts. That is part of the consultation exercise. I can tell the hon. Member that my preference is not to do a piecemeal approach, but it really depends on how long it is going to take for all these other matters to come in place, and once all that comes into place we can take a final decision.

700 What the hon. Member will see is that there has been some progress done. Some discussions and consideration of all these matters have been done. We have been in office for four or five weeks. The hon. Member had these Acts in place and in force for a considerable length of time and these matters were not in place. I would ask that the hon. Member should be at least a bit understanding that this is going to take some time. I am not able to say precisely whether we will be ready in two weeks, in three weeks or a month, but the process is ongoing.

705 **Hon. D A Feetham:** I can assure the hon. Gentleman that the Opposition is going to be entirely supportive of the process, provided... and I am sure, from what the hon. Gentleman has told this House today, he intends to make progress with what are seminal pieces of legislation.

I can tell the hon. Gentleman that all this cross reference between sections is all news to me. I did know about the arson point – that was the only point that was brought to my attention – but none of the other points.

710 I do notice that, in their manifesto, they had a commitment in their crime section to introducing a Rehabilitation of Offenders Act, hate crimes legislation and also a sexual offenders' register, all of which is contained within the Crimes Act. Can the hon. Gentleman given an indication to this House whether it is the intention of the Government to effectively hive off those parts into separate pieces of legislation, or is it the case that the Members opposite had not read the Crimes Bill when they compiled their manifesto?

715 **Hon. G H Licudi:** Mr Speaker, the hon. Member knows precisely what the answer to that is because it is an issue that was raised in a debate that we had during the Election campaign, when he made exactly the same point and I gave him the same answer.

720 Of course, we knew what the provisions of the Crimes Act were. I specifically answered the hon. Member when he presented the Bill and I participated in the debate on the Second Reading of the Bill. The reason those matters were there, as I told the hon. Member just before the Elections, and I will repeat now, is to show the commitment of the Government in respect of specific matters.

725 The hon. Member will have been satisfied that we are entirely committed to the process that was started by him, and which I commend him for, because these are formidable pieces of legislation and we are committed to this process, subject to some amendments and some policy decisions that we have already taken. It really depends on how long the whole process is going to take. We are committed to the rehabilitation of offenders as quickly as possible, to that sex offenders' register as quickly as possible, and the other matters.

730 **Hon. D A Feetham:** As separate pieces of legislation?

735 **Hon. G H Licudi:** Not necessarily. It depends on how long the process is going to take. If we see that the process is going to take too long, that it is a protracted process because of the issues that I have raised during the course of my answer today, then the Government will give serious consideration to actually hiving off those specific provisions and enacting them in the form of separate legislation. We hope that that will not be necessary and that the process will continue seamlessly, as has been started, but time will tell.

740 **Hon. D A Feetham:** Will the hon. Gentleman at least consider – bearing in mind that the hon. gentlemen opposite are as keen to see rehabilitation of offenders legislation introduced in Gibraltar as the hon. gentlemen and lady this side of the House – that he gives serious consideration not to hiving it off and enacting it in a separate piece of legislation, but commencing those parts relating to the rehabilitation of offenders legislation before other parts? Will he give serious consideration to that suggestion?

745 **Hon. G H Licudi:** Yes, I will certainly do that, and we are in the process of doing that.

I can confirm that we have had meetings and I have discussed this matter – not this particular section specifically, but the extent to which a lot of the sections in the parts hang together. For example, I mentioned part 12: a lot of part 12 hangs together as a whole part and it is very difficult to say, 'This particular section is not going to be commenced and this one is,' but to the extent that we can identify specific sections, or parts,

of it that are standalone and can be commenced, we will endeavour to do so as quickly as possible.

750 **Hon. P R Caruana:** Mr Speaker, can I commend for the Hon. Minister the view that he first expressed, or
the preference that he first expressed, which was to keep the Bill intact and also (*Interjections*) the view
expressed now by my colleague, Hon. D A Feetham, to start it piecemeal, if necessary, because one of the
755 virtues of this piece of legislation is that it amounts to a codification of a large area of the law in a single Bill.
It is the closest we have ever come in this jurisdiction to a real codification of our criminal law. It will be a
pity if that codification, that single-document approach, were lost as a matter of chronology of
commencement when it can be achieved in another way.

Mr Speaker, can I ask my supplementary, which is this: while I applaud the hon. Member for his policy, or
for his Government's policy, of consulting on the age of consent, can the hon. Member say when that
consultation might take place?

760 **Hon. G H Licudi:** Mr Speaker, I have already given instructions for the process to draft the consultation
paper to take place. I would have liked to see that as quickly as possible.

I am told that a draft is going to be with me very soon. I will have to consider and make appropriate
changes and consult with the necessary parties in order to finalise, but that process has already started, of
765 actually drafting the consultation paper.

Hon. P R Caruana: Can the hon. Member say whether the Government, laudable as it is that it should
seek other people's view, too, through a process of consultation, can the hon. Member say whether the
770 Government has its *own* policy on this question? Does the Government have a policy on whether the age of
consent should remain equalised at the age of 16 or be raised, both for homosexual and heterosexual, and for
all other purposes of the Act or be raised? Does the Government have its own policy view on this or is it
devoid of ideas and just waiting to see what public opinion says on the question?

775 **Hon. G H Licudi:** Mr Speaker, it is not a question of the Government being 'devoid of ideas'. There are
different views from people who sit on the Government benches. There is no collective view that will be put
out there as being the Government's preference. We will consult the people, we will take their views into
account, and then take a collective decision which we will all stand by.

780 **Hon. P R Caruana:** So if there are... if it is presently equalised at 16 and there are different views, then at
least some people on the Government's bench must believe that it should be increased?

Hon. G H Licudi: Mr Speaker, I am not sure that much is gained with a debate on individual views, all I
can say is that we will stand by collectively what that view is at the end of the day, but that process must take
785 place.

The Hon. P R Caruana: Well, I accept that Mr Speaker...

790 **Hon. G H Licudi:** Well, we certainly are all of the same view that there should be an equal age for all.
That is the view...

The Hon. P R Caruana: That is a legal requirement...

795 **Hon. G H Licudi:** Well, it is a legal requirement, which the Hon. Leader of the Opposition has resisted in
accepting because he caused the then Minister for Justice to bring in a Private Member's Bill because he *did*
not accept that it was a legal requirement and it was only after he went to court that he was told that this was
the position, even though he had received advice to that effect, that he accepted this was the position.

Our position is that we will act collectively, we will seek the views of the public, then take the final
decision and introduce those provisions in part 12 of the Crimes Act after that process has been considered
and concluded.

800 **Hon. P R Caruana:** With respect, I can ask the questions in which I am interested, not the answers that he
is interested in giving. If he does not want to answer my question, he is free to say I do not want to answer

your question.

805 My question was, given that it is presently set by law at an equalised level and given that I have asked him whether the Government has a policy as to whether it should stay equalised at the current level, or equalised at 17 or 18 or 19 or 20 or 50, it has got to stay equalised by virtue of the court's ruling, but we can equalise it at any level. So it has got to stay equalised. I have asked him whether the Government has a view on whether it should stay at 16 or be raised and he has told me that there are different views about that question in the Government.

810 I have simply asked whether it is equalised at 16 and doing nothing leaves it equalised at 16, if he has said to me that there are differences of view on the Government side, and there is no reason why there should not be – there is nothing wrong with having different views within the Government and, of course, there will be presumably collective responsibility around the majority position adopted in due course. All I have asked is for him to confirm that necessarily that must mean that there are people in the Government who believe it should be equalised at a raised level, because otherwise there would be no difference of view. Everybody would think it has to be at 16; it is inevitable.

815 A further supplementary question would be, regardless of what the Government's policy might be, given that it appears not yet to have been reached in terms of collectivity, can the Minister for Justice, given that *he* is responsible for this area of Government policy, can he at least tell this House what his position on the matter is, even though it may not be subsequently reflected in Government policy?

820 **Hon. Chief Minister:** Mr Speaker dealing with the first supplementary, which was addressed more generally. It is possible, actually, Mr Speaker, for there to be a different mechanism which we want to explore as part of the consultation process, which is that the ages at which people can indulge in that sort of activity could be subject to a sliding scale. In other words, people of a particular age are able to have intercourse with people not above a particular age, but people above another age cannot have intercourse with people of a lower age. This is a more sophisticated system, which I think applies in Canada, which is called the banding system.

830 To give an example, you could not have somebody over the age of 21 having sex with somebody under the age of 19, but you could have somebody under the age of 19 having sex with somebody... somebody of the age of 19 having sex with somebody who is at least over the age of 16. Those are more complicated systems, it maybe they are unworkable, but there are things beyond simply having to have it at 16, 17 or 18 that need, in our view, at least to be explored and that is one of the things that the consultation process will look at, where it is not simply a question of Members on this side of the House insisting on 16 or insisting on 18 or 17.

835 We want to look at that and it may be that those things are completely unworkable, because I do not know whether you can ask people to show you an ID card, when these sorts of moments come up, (*Laughter*) but it is certainly that is something that is worth exploring.

840 Mr Speaker, if he wants an answer –

Hon. P R Caruana: Yes.

845 **Hon. G H Licudi:** Mr Speaker, I am here to answer for Government policy, not to express personal views. What I have said is that it is Government's policy to carry out that consultation process and then we will take a view and the Hon. Chief Minister has explained that there are different models, and I can say that that sort of model will be part of the consultation process and a view as to the specific model for Gibraltar will be taken once that is concluded.

850 **Hon. P R Caruana:** But in that consultation process, will the Government, as is usual in consultation processes, be indicating any sort of steer or preference? Is this a sort of consultation process that says, do you think the Government should leave it or change it and, if change it, to what level? Is it a questionnaire or is it consultation process? In a consultation process Governments normally provide a degree of indication of what the Government's thinking is, which may be changed as a result of the outcome of the consultation, but it is not usual for Governments, unless they are just doing a questionnaire, a vox pop, not usual for Governments to just do a consultation process that does not indicate what the Government is contemplating doing. That is normally what governmental consultation processes are like. So this would be more in the form of a questionnaire seeking people's expression of opinion about what they think should happen.

860 **Hon. G H Licudi:** No, Mr Speaker, that is not what we have said. This is a full consultation. (*Interjection*) This is going to be a full consultation process.

The precise form of the consultation paper itself will be considered by the Government in Cabinet once we have a draft and once we take a particular view as to how to proceed. The issue that the hon. Member has just raised will be part of that consideration when we have a consultation paper to look at.

865 **Hon. D A Feetham:** Mr Speaker, would the hon. Gentleman commit to making public the results of that consultation exercise? Also, will the hon. Gentleman give an indication as to whether they are merely taking into account the views expressed during that consultation exercise, or whether the Government intends to effectively be bound by any overwhelming view that is expressed by people consulted?

870 **Hon. G H Licudi:** Mr Speaker, there is a difference between a referendum and a consultation process. Whether the consultation process leads to a referendum is a different issue and we are not there yet. It is the hon. Members opposite, who have spoken in the past of a consultation and then, possibly, a referendum.

875 At the moment we are talking of a consultation process. As to the publication of the views, clearly subject to any views which may have been given anonymously and protecting any anonymity that may be part of that consultation process, in terms of giving numbers and general views of people, we see no reason why that should not be made public.

Clerk: Question 86.

880 **Mr Speaker:** Does the hon. Member have a supplementary?

Hon. P R Caruana: Yes I do.

885 May I say this as well, that it appears that I will be commencing the Crimes Bill in four years' time when we are returned back into Government at this rate, but (*Interjection*) Mr Speaker, what he is saying is that, effectively, he is going to be consulting the people of Gibraltar, but then the Government is going to be doing whatever it wants to do. Is that what he is saying?

890 **Hon. G H Licudi:** Mr Speaker, that may have been what the hon. Members had in mind when they talked about consultation and it is a very strange consultation process that they have in mind, when they intended to enact, as they have enacted, commenced the provisions and then consulted the people as to what the provisions should be in the first place. That is what they announced that they would be doing.

895 We are not putting the cart before the horse, we are doing things in the way that we think it should be driven. We are not coming at this with, as I have said, a predetermined view. There may be a view that is actually put out there as part of the consultation process, a Government view but, ultimately, consideration will be given. This is not a predetermined process and we are simply going through the motions. This is a proper consultation process to find out what the people of Gibraltar want on this very sensitive and much debated issue.

900 **Hon. P R Caruana:** Mr Speaker does the hon. Member not agree that that is a very ungenerous answer to the question that was asked, given his answer to the previous supplementary. (*Interjections*) It is not what we want to do, it is when asked whether he would commit to any overwhelming outcome of the consultation process, he said 'no'. He said that the Government would then consider what it did, in other words he declined to commit the Government to adhere to an overwhelming outcome of a public consultation. In other words, the consultation does not bind the Government.

905 So what the Government is effectively doing is asking people's opinion without committing even to honour an overwhelming expression of opinion by the people and then deciding whether to adhere to the overwhelming expression of opinion by people on this question or not. So, really, the consultation is to see whether the overwhelming expression of opinion coincides with whatever they decide to do, but they will decide what they do and not be bound by the referendum. I am not criticising (*Interjections*) that, by the way.
910 I think it is perfectly legitimate for Government to carry out a consultation and not be bound by the outcome, but the hon. Member, then, should not put so much store by the consultation, because it is a consultation to inform Government policy. It is not a consultation to see what people want. It is a consultation so the

Government knows what people think when the Government decides its policy, which it has not yet done.
(Interjections)

915

Hon. G H Licudi: The Hon. Leader of the Opposition seems to have turned his argument from the very first part of the question to the end of the question.

920

The position is the Government cannot commit itself to anything if it is embarking on a consultation process. What we are also not doing is starting this process on the basis of hypotheticals or assumptions: if we get 50%, if we get 60%, if we get 70%, or if we get 90%. We are not proceeding on the basis of hypotheticals. What is an overwhelming amount? Is it 50% or 60% or 75%, or does it have to be 99%? We are not pre-judging this process; we are keeping an open mind, and we are going to take into account the views that are expressed to us. Once those views are known to the Government, a collective decision will be taken.

925

Hon. D A Feetham: Just one more. I hope it is not contentious. Can the hon. Gentleman confirm that, when he undertakes the consultation exercise, he will also pay particular attention to the point that certainly caused me a lot of concern, when I was looking into this issue of the age of consent and increases to 17 or 18, which is that anybody, any 17 or 18-year-old that may be convicted as a consequence of increasing the age of consent to 17 or 18, would then automatically be placed on a sexual offenders register, which then has enormous consequences for that person for the rest of his life? Can he at least confirm that that is a point he will take into account in the consultation exercise and the deliberations of Government?

930

Hon. G H Licudi: Yes, sir.

935

**Aggregate public debt and cash reserves
Position at 7th December 2011**

940

Clerk: Question 86, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister please say what were the aggregate public debt and the cash reserves as at 7th December 2011?

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Clerk: Answer, the Hon, the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman was clearly aware, given his statement that very night of 7th December on the leaders debate, the aggregate public debt as at 7th December 2011, when he was in office, was £520 million and the cash reserves stood at around £234 million.

950

**Pensioners' Monthly Income December 2011 4.25% Debentures
Value as at 7th December 2011 and subsequent position**

955

Clerk: Question 87, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say the total value of Pensioners' Monthly Income December 2011 4.25% Debentures outstanding as at 7th December 2011 and how much of that amount was withdrawn after 7th December or was redeemed on the expiration date and not reinvested in other Government debentures?

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Clerk: Answer, the Hon. the Chief Minister.

965

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I think we have taken it that it was Monthly Income Debentures of 2011, not December.

The total value of special pensioners three-year fixed 4.25% Monthly Income Debentures as at 7th

970 December 2011 was £77,874,200. There were no amounts withdrawn after 7th December, other than on the expiration date, which was 31st December 2011, when the amount of £11,955,900 was redeemed and not reinvested in other Government debentures.

975 **Hon. P R Caruana:** And of the roughly £65,000,000 of expiring debenture that he has described that *was* reinvested, is he confirming that it was reinvested in Government debentures or had the Chief Minister by then given the necessary instructions for debentures to be issued in the name of – as he subsequently announced – the Gibraltar Savings Bank?

Hon. Chief Minister: Mr Speaker, I have got a schedule that shows that breakdown, which I am happy to let him have. It also shows how the £11,955,000 was paid out and I am happy to let him have that.

980 **Hon. P R Caruana:** Does the hon. Member agree that, if that £77 million – I do not know if the 11.95, I will see in a minute when he shows me that paper – whether that was not reinvested in Government, but was reinvested in other things... Whatever the breakdown might be, when I see it, but whatever was available to be reinvested by the depositor, if you could call him that, the expiring debenture holder, had the debenture holder been invited to reinvest that money in Gibraltar Savings Bank's investment, does he agree that the
985 immediate effect of that would have been to reduce the gross public debt by that amount?

Hon. Chief Minister: Mr Speaker, he and I are going to continue to have this debate, I can see, for a long time.

990 **Hon. P R Caruana:** It is not the same debate.

Hon. Chief Minister: Yes, I believe that would have been the result.

995 **Hon. P R Caruana:** And I agree that you would be right to say that that would have been the result. Can the hon. Member say whether any of that happened, in fact?

Hon. Chief Minister: Mr Speaker, as the hon. Gentleman can see, the £65 million that was reinvested went to the limited issue for the period.

1000 **Hon. P R Caruana:** Is that the Government, or a savings bank?

Hon. Chief Minister: I believe, that is the Government until 28th February 2017.

1005 **Hon. P R Caruana:** So the hon. Member passed an opportunity to, despite the concern he has expressed about the level of gross public debt, here he had an opportunity to immediately reduce it by £56.9 million. Instead, he has chosen to preserve the gross public debt in that amount, unnecessarily high, until December 2017.

1010 Why did he not do with that what he has subsequently announced that he was going to be doing, and that is, reissue that through the Gibraltar Savings Bank, instead of announcing yesterday, or the day before, that he had made a start for future debentures, he could have stood up in this House, or made a public statement, saying that he was well on the way to cutting the gross public debt by half in four years, indeed he had reduced it by nearly 12% in four weeks. Why did he not take that opportunity, if he is as concerned as he professes about the level of gross public debt?

1015 **Hon. Chief Minister:** Mr Speaker, it is because we believe that we will be doing this in another way and he has been offering us this way of doing it since the last Budget. We believe we are going to reduce debt in a different way. We are going to... This will be *part* of what we do, but not all that we do.

1020 **Hon. P R Caruana:** Mr Speaker, there is no way of reducing gross public debt without repaying the money out of the Government.

Once the Government has repaid the money to the debenture holders, those debenture holders can run off and take it away and put it in a bank, or a piggy bank, or under their mattress, or they can say to the

1025 Government, please issue me with a debenture through the Gibraltar Savings Bank. If they do that, the
debenture holders, the investors, the pensioners, whoever they might be, get the benefit of a Government
guaranteed investment, but the Government is not saddled with that amount of savings counting as gross
public debt. Given that the hon. Member made such a store about gross public debt, is it not normal for people
to assume that what he would want to do is reduce it immediately, as soon as possible? Here was an
opportunity to reduce it by nearly £60 million *overnight* within three weeks of arriving in office and he
nevertheless chose to issue the money, to renew the debentures through the Gibraltar Government savings...

1030 I am not criticising him for doing it, because I think he is wrong on his analysis of gross public debt and it
makes no difference to the Government, or to anybody else, whether the debenture is issued by the
Government directly, or whether it is issued by the Gibraltar Savings Bank and guaranteed by the
Government, as it is. So, this is the debate that we were having about the macro economic irrelevance of gross
public debt, because gross public debt is a figure that is just inflated by debenture holders, whose cash is
almost all there.

1035 I am not criticising him for not doing it, because we would not have done it. All I am saying to him is,
given that *he* was so focused on the irrelevance of gross public debt on the seriousness of gross public debt,
on the *significance* of the level of gross public debt to the state of our economy in general and public finances
in particular, does it not strike him as illogical that he should have passed this early opportunity at no cost to
the Government to have reduced it? That is what I am asking. I would have reduced it.

1040 **Hon. Chief Minister:** Obviously not, Mr Speaker, otherwise I would have done it. But I invite the hon.
Gentleman to ask the next question, which deals with an issue which is very similar.

1045 **Hon. P R Caruana:** It is the same question in respect of the monthly one.

Hon. Chief Minister: Exactly.

1050 **Hon. P R Caruana:** Exactly the same question.

Gross Public Debt Reduction through redemption of Debentures

1055 **Clerk:** Question 88, the Hon. P R Caruana.

1060 **Hon. P R Caruana:** Mr Speaker, given the Chief Minister's stated concern with the level of gross or
aggregate public debt, can he say whether he will now reduce it by redeeming one-month notice debentures
issued by the Government and reissuing them via the Gibraltar Savings Bank, thus instantly reducing the
gross public debt by an amount equal to the total value of such debentures?

Clerk: Answer, the Hon. the Chief Minister.

1065 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will not reduce gross public debt
by redeeming its existing one-month-notice debentures and reissuing them via the Gibraltar Savings Bank.

1070 Even if the Government were minded to do so, Mr Speaker, under the terms and conditions of these
debenture issues, the Government would have to give debenture holders six months' notice of its intention to
do so. Instantly reducing the gross public debt in the manner suggested by the hon. Member here and during
the course of the General Election campaign is therefore, I am advised by the Treasury, not a feasible option.

1075 The Government will, however, be discontinuing the sale of Government debentures in order to stop any
further growth in gross public debt and will arrange for the Gibraltar Savings Bank to issue a range of savings
products which will enable pensioners and other members of our community, who have come to depend on
the availability of such debentures, to continue to have a Government guaranteed savings product.

Hon. P R Caruana: Mr Speaker, the issue is not whether the Government has to give six months' notice
or not – which I was unaware of and I am grateful to him for pointing it out. The issue is that there were about

1080 £116 million of monthly debentures, which he can give six months' notice of to, in effect, repay – no difficulty for the pensioner or the debenture holder because, as soon as the Government repays them, they can go round to the Gibraltar Savings Bank, does not even have to take his money out, it is all administered within the Treasury – and reissue the same debentures in the name of the Gibraltar Savings Bank.

1085 Hey presto, £116 million is reduced from the gross public debt from that terribly high, terribly dangerous, level of gross public debt. So, why will he not give the six months' notice, if six months' notice is needed? Regardless of whether six months' notice is needed, so that he could not achieve that until June, but given that he has led everybody to believe that he would be a superhero if he reduces it in half over four years, he has had an opportunity, in three weeks, to reduce it by £60 million and he has got an opportunity by June to have reduced it by a total of £194 million, which is 40% of the entire gross public debt.

1090 Why does he set himself the task of reducing it by 50% in four years, when he can reduce it by 40% in six months? I put it to him, that it simply demonstrates the political fraud that was his conduct of an economic debate based on the level of gross public debt, as opposed to the level of net public debt I was recommending to the people of Gibraltar?

1095 **Hon. Chief Minister:** Mr Speaker, there is only one political fraud in this House and it is the gentleman sitting opposite, who pretends to be the Leader of the Opposition.

Hon. P R Caruana: We will see about that on Tuesday

1100 **Unsustainable level of public debt
Criteria for determination**

Clerk: Question 89, the Hon. P R Caruana.

1105 **Hon. P R Caruana:** No, on Tuesday, I am replying to your ridiculous broadcast of last night. *(Laughter)*

Mr Speaker: Order! Order!
Question 89 please.

1110 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what level of public debt he considers to be unsustainable? He knows that I am asking because he made this point in his New Year broadcast. Can the Chief Minister say what level of public debt he considers to be unsustainable and by what criteria he fixes the amount at such a figure? Can he also say whether he distinguishes for such purposes between gross and net public debt?

1115 **Clerk:** Answer, the Hon. the Chief Minister.

1120 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have a lengthy answer and, to assist the hon. Member, I am quite happy to let him have my copy. It has got numbers in it, so I am quite happy to make it easier for him.

Mr Speaker, as I told the nation last night, the Government considers that the current level of public debt is too high and unsustainable and I know that the hon. Members laugh when I refer to Gibraltar as a nation. As the hon. Members know, the maximum level of public debt is prescribed under the Public Finance (Borrowing Powers) Act 2008.

1125 In terms of net public debt, the maximum level permitted under the Act is the lower of (1) 40% of Gibraltar's gross domestic product or (2) 80% of consolidated fund recurrent annual revenue.

In terms of gross public debt, the maximum level permitted is that which will not cause the annual debt servicing ratio – that is the ratio of annual debt interest payments of the consolidated fund recurrent annual reserve – to exceed 8%.

1130 Mr Speaker, the approved estimates of revenue and expenditure for 2011-12 on page 3 of the published estimates book reflects projected gross public debt, as at 31st March 2012 at £480 million and projected net public debt is projected to be £221.7 million. On 9th December 2011, our first day in office, this Government

was confronted with a situation where gross public debt was £40 million higher, at £520 million, and net public debt was £64 million higher, at £285.8 million.

1135 Mr Speaker, with the maximum net public debt currently permitted under the Public Finance (Borrowing Powers) Act 2008 at £306.2 million, which represents 80% of consolidated fund of current annual revenue for the financial year ending 31st March 2011, the Government found itself with useable cash reserves of just £20 million. Taking into account the expenditure commitments on capital projects entered into by the previous administration, this would have seen cash reserves reduce further to levels that would cause the net public debt to exceed the limits permitted under the Act.

1140 Mr Speaker, this Government considers this state of affairs to be unacceptable. Putting Government in a position where it only has available £20 million of useable cash reserve is, in our view, unsustainable. The Government is not prepared to increase net public debt beyond the limits permitted under the Public Finance (Borrowing Powers) Act 2008 and, indeed, this Government is also committed to halve the current level of gross public debt by the end of its first term in office.

1145 **Hon. P R Caruana:** Mr Speaker, if I had wanted to listen to a replay of his ridiculous broadcast of last night, I would have done it on YouTube.

1150 **Hon. Chief Minister:** Mr Speaker, if I had wanted. –

Hon. P R Caruana: I have not asked him this morning. Mr Speaker.
I am sorry... (*Interjections*)

1155 **Hon. Chief Minister:** [*Inaudible*] ...stop calling each other names.

Hon. P R Caruana: No, Mr Speaker, I haven't called him any names. I have called his broadcast ridiculous and I have referred to YouTube as rubbish. (*Interjections*) But, Mr Speaker, it is ridiculous.

1160 **Hon. Chief Minister:** This is how we find our temperatures rise, Mr Speaker.

Hon. P R Caruana: Mr Speaker, look, I have asked him a question. He has chosen not to answer probably, because he understands neither the question nor the answer and, instead, he just reads me out three paragraphs of his broadcast of last night, which have nothing...

1165 First of all, let me correct the hon. Member on the facts. It is not correct that, on 8th December, he was *confronted* with a gross public debt of £520 million, or has he forgotten two things? First of all, that he has told me, in answer to Question 86, that I myself told him in the leaders debate on the 7th, that it was £520 million and has he also forgotten that, as far back as July last year, immediately on the very afternoon of his speech on the Budget debate, he hotfooted it off to the GSLP office, recorded a little broadcast on public debt, in which he announced that it was £520 million. So if he had known it was £520 million since July 2011, what does he think entitles him to come to this House today to say that he was *confronted* with that statistic on 8th December?

1170 The hon. Member neither knows the facts nor understands them, nor has the intelligence not to forget what he has already known.

1175 **Mr Speaker:** Order! Order! Order!

The Hon. Leader of the Opposition must know, after his years in this Parliament, Question Time involves asking questions.

1180 **Hon. P R Caruana:** I am asking questions.

Mr Speaker: With respect, the preamble to that question is rather lengthy.

1185 If the Hon Leader of the Opposition wishes to debate this matter of the public debt issue, he can put a motion down and it will be heard, I am sure, pretty promptly, but questions must be questions with a fairly brief preamble.

Hon. P R Caruana: Yes, thank goodness for that, otherwise I do not know where the Hon. the Chief

Minister would be.

1190 Mr Speaker, be all that as it may, the question was... the question is not what the statutory limit of public
 1195 debt. Does the hon. Member not acknowledge that it was I who explained to him, in July last year, what the
 statutory definition of the level of public debt? I have not asked him that. What I have asked the hon.
 Member, given that he appeared on GBC and told 'the nation', as he likes to call it, with a very grave face that
 public debt levels were unsustainable, well, then he must – even though he knows what I think of his grasp of
 economic matters – have some economically based view of what level of public debt is sustainable for this
 economy and what level of public debt is unsustainable for this economy.

1200 He has described the current level of public debt as unsustainable, even though, by his own admission, it is
 below the statutory legal ceiling. So I have asked him to please tell me, given that he has expressed economic
 opinions about public finance matters to the people of Gibraltar, I am asking him, in his judgement or, in
 accordance with the policy of his Government, what level of public debts does he consider to be sustainable
 for our economy of a gross domestic product of just over £1 billion, and by what economic criteria he fixes
 the level at whatever level he chooses? Instead of saying to me, I think the level of sustainable public debt for
 an economy like ours is *x* and therefore the present one is too high, he ignores the question, ignores the
 answer and gives me some *spiel* about thinking that the present level is too high. So now we know that he
 1205 thinks that a gross public debt of £520 million and a net public debt of around £280 or £290 million is
 unsustainable.

At what level does that equilibrium switch to sustainability? There must be *some* level of public debt
 which he thinks is economically not unsustainable and I am just asking him what that is and to explain the
 economic criteria by which he fixes that. Is he able to do it, or isn't he?

1210 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has said a lot of things about me in the past year in
 this House. He has started already today.

Hon. P R Caruana: Answer the question.

1215 **Hon. Chief Minister:** And I will answer the question.

1220 Look, Mr Speaker, if the hon. Gentleman, when I have just got on my feet and started answering the
 question, if he is going to start mumbling under his breath, 'Answer the question!', then the minute he gets up
 to ask a supplementary, I am going to start saying 'Ask a question! Ask a question!' because he gives us
 lectures... He forgets that questions should not be a pretext for debate and he goes on with his usual less than
 enamouring style of wanting to call everyone much less able than him, at anything that we might turn our
 hands to.

1225 Let me start by answering, Mr Speaker, the 'ridiculous' – I think that is the word he has chosen and the
 only one I am going to allow myself to use – the 'ridiculous' statement that he made about my podcast. I did
 not say in my podcast, Mr Speaker, that has been so much a subject of debate across the floor of this House
 that gross public debt was £520 million. Mr Speaker, I said that the amount we were debating in this House
 did not include the £20 million of borrowing, which had been included in the Government company. First
 point, Mr Speaker.

1230 Second point. The hon. Gentleman said, only in the leaders debate, not before, that the gross public debt of
 Gibraltar was £520 million and I think he realised that he had said something that he had not said publicly
 before, because the jaws of the interviewer, the jaws of the member, or the individual, who was there for the
 PDP and mine dropped – and he was surprised that we were surprised to find out that that was the level of
 gross public debt.

1235 Mr Speaker, it is not possible in this House for us to have a Westminster-style system of government and
 opposition, whilst the hon. Gentleman tries to make supplementaries a possibility for him to cast ridicule – to
 take the word that he has chosen to use first – on members of the Government, as if we were still members of
 the Opposition.

1240 What I can tell him, Mr Speaker, is that our attitude to answering his questions to debates in this House,
 will be completely different to his attitude. Therefore, to answer, what should have been his question in his
 supplementary – if he felt I had not answered it – 'what do I think is an unsustainable level of debt for a
 Government like that of Gibraltar?': it is the level of debt which he left us, which gave us only £20 million of
 useable cash on 9th December. That, Mr Speaker, is unsustainable and frankly, in my view, it is that which is
 ridiculous and frankly, in my view it is that which speaks volumes of his economic competence, that he put

1245 Gibraltar in a position that, without changing the law and without borrowing more, its Government had not a penny more than £20 million to spend.

Hon. P R Caruana: Mr Speaker, the first thing I have to say, as a point of order, is that I am astonished that the hon. Member is saying in this House today that he did not in his podcast say that the gross public debt was £520 million. He did. He must know that he did and if he does not withdraw his denial of it, I shall have to bring a motion.

1250 Does he not recall that he went further than saying it was £520 million, that he said it was £520 million and, therefore, in excess of the legal statutory limit. Does he not remember saying all of that?

Hon. Chief Minister: This is a point of order, Mr Speaker. I have said what I said about the podcast and *Hansard* will reflect it and I invite him to bring the motion.
1255 This time...

Hon. P R Caruana: I will!

1260 **Hon. Chief Minister:** I think I can confidently predict that the result will not go his way.

Hon. P R Caruana: Mr Speaker, the result will not go my way, not because you did not say in your podcast £520 million – which you did – the result will not go my way because you will choose your majority to make your untruths look like the truth. That is why the result will not go my way.

1265 **Mr Speaker:** Order! Order again!

I think, we are again deviating from what Question Time is all about. If I recollect my parliamentary practice well, it is the purpose of eliciting information on Government policy, eliciting information. It is not intended for debates of this nature.

1270 **Hon. P R Caruana:** Mr Speaker, again, if we are going to limit Question Time in this House to eliciting information, I will, of course, abide by Mr Speaker's ruling, but it will be a very novel experience in this Parliament. I have been in it for 16 – no, for 20 years – and I have never known Question Time to be *only* for eliciting information, including the years that Mr Speaker has been presiding over it in the chair.

1275 **Mr Speaker:** I hope the hon. Member will concede I have given a lot of latitude today for debates of a completely different nature.

Hon. P R Caruana: As you have always done. When we were in Government and they were in
1280 Opposition, Mr Speaker.

I think it is laudable and all Speakers before you have done the same.

Hon. Chief Minister: Mr Speaker, if I may say so, there is one difference, just speaking on the point of
1285 order that, of course, Parliament now intends to meet every month and there will be another opportunity for questions next month –

Mr Speaker: And motions.

Hon. Chief Minister: – and motions and not just... Parliament will no longer be meeting only three or
1290 four times a year.

Mr Speaker: May I invite the Hon. Leader of the Opposition to pose a question?

Hon. P R Caruana: I will.

1295 Just as a preamble to my question, I do not ask questions to ridicule the hon. Member, but I cannot help it if the effect of his inability to answer my questions is to bring ridicule on himself. I asked the hon. Member questions to test him and to elicit information on public statements that he has made vitriolically attacking me and my Government when we were in office. When I challenged him on it, demonstrating that he has

1300 practically no understanding of the issue that he pontificates about, all he can think of saying – and he has *still* not answered the question – is that I want to ridicule him. I do not want to ridicule him, Mr Speaker, I assure him, but I do want to demonstrate what I have believed to be the case since he first started debating economic matters in this House, that he is almost totally ignorant on matters to do with the economy and public finance.

1305 I repeat my question. At what level, would he be content – and if I could mention just one more thing to him – the amount of money that the Government has available to it to spend, which he has put at £20 million, has got absolutely nothing to do with the level of gross public debt, nothing whatsoever. That is a factor of the level of net public debt. Your gross public debt could be £6 billion if you wanted: it would not affect the amount of usable cash available to the Government.

1310 Eventually, I suppose, he will learn and understand these things, but Mr Speaker, will he, given that he has told the people that, at the current levels of gross and net public debt, he considers public debt to be economically unsustainable, will he tell this House and, through it, the people to which he gives economic lectures in Gibraltar, what he considers *is* a level of sustainable public debt?

Hon. Chief Minister: Mr Speaker, I am not in this House to be tested by anyone. I passed all my tests at Bayside and at Oxford, and I did very well in all of them, thank you very much...

1315 **Hon. P R Caruana:** Not in economics.

Hon. Chief Minister: Frankly, the issue today is just that the hon. Member opposite does not like to hear the answer that he is given, Mr Speaker.

1320 **Hon. P R Caruana:** I want the answer to the question that I have asked, for goodness sake!

Mr Speaker: Order! Order!

1325 **Hon. Chief Minister:** I must say I sometimes get concerned about the hon. Gentleman's health. He needs to relax.

1330 Mr Speaker, the answer – which he does not like – is that the sustainable level of public debt is the level that allows a government more than £20 million of usable cash reserves. He can take it from there that, whether it is in the net calculation or the gross calculation, we believe that debt has to be reduced and the levels to which it has to be reduced, he will know from our manifesto, which is not a document for which we are answerable in this House, but we believe that should be halved and therefore we must think that it is unsustainable for it to be higher than, closer to, half of where it was when we inherited the £520 million debt that he kindly left us on 9th December.

1335 **Hon. P R Caruana:** Mr Speaker, will he say whether the halving relates to gross or to net public debt?

Hon. Chief Minister: Mr Speaker, I am not here to test him, but I thought he could read. Our manifesto says gross.

1340 **Clerk:** Question 90, the Hon. P R Caruana.

1345 **Hon. P R Caruana:** With the Clerk's and the Speaker's indulgence: so the answer that I should rely on is the last one that he has given me, and not the second last. The first answer that he gave me was that an unsustainable level of public debt was a level that only allowed the Government £20 million of spendable cash, from which most people would deduce he means that, provided there is more than £20 million of spendable cash, the level is then sustainable.

1350 He then went on to say that I should impute, from his manifesto – the one that he is not accountable for in this House – that the sustainable level of public debt, in their view, is half the gross public debt as it is today. So I am just seeking confirmation. I should rely on the second answer and disregard the one about the £20 million.

Hon. Chief Minister: Mr Speaker, I know that he wants to make this division between net and gross and that never the twain should meet. He needs to understand, Mr Speaker, that he is the Chief Minister that

achieved some things in 16 years and, in our view, (*Interjection*) failed in some others.

1355 I am the Chief Minister who arrived in office to be told that the previous administration, the previous Chief Minister, had committed Gibraltar to capital commitments, to capital payments, far in excess of the cash that we had available in the kitty and that the first act that I was going to be required to do in this Parliament would be to change the definition of debt in order to enable us to borrow more, in order to be able to pay for the commitments that he had entered into.

1360 He can take my second last answer, he can take my last answer or he can take this answer. It is not sustainable for the hon. Gentleman to have left this community in a position where the useable cash reserve of the Government the day after he left office was £20 million. One issue of unsustainability.

1365 It is not, in our view, sustainable for Gibraltar to have the gross debt that it has today. It will be halved by the time of the next General Election. He can assume, from the fact that I am talking about £20 million of useable cash reserve being too low, that we will therefore also be reducing net debt so that there is more cash available.

Mr Speaker, I know he does not like the answer, but he has to accept that that is the answer.

1370 **Hon. P R Caruana:** Mr Speaker, as we will discover on Tuesday, that answer is wrong. He does not have to change the law relating to the level of public debt in order to have more than £20 million available, but he will have to sit on the edge of his seat during the weekend and listen to the reason why that is so on Tuesday.

1375 Mr Speaker, if he chooses to continue with the debate about public debt being unsustainably high, and by public debt he means gross public debt, as he has now said again, can I then re-put to him my question, which is: why, if gross public debt is unsustainably high, if the effect of gross public debt being so unsustainably high is, in his view, incorrect that the Government only has £20 million to spend, why doesn't he solve all of his problems and apparently the problems which he imagines Gibraltar has, he could have reduced it by 40% – four zero per cent – between now and June? Indeed, he could have done 60% on 1st January this year, 2012, and he could do the other 117 by June because he has got to give the monthly debenture holders a month to switch to the Savings Bank.

1380 If, as he says, the level of gross public debt has the effect that he, incorrectly, refuses to be shaken from, why hasn't he done the obvious thing, which is to slash it by 40% by June and then everybody in Gibraltar can sleep easily at night and breath safely? We can all sleep in the knowledge that we are not all about to go belly-up and bankrupt. He has it in his gift to humour his own false economic principles, but why doesn't he do it, Mr Speaker? Why doesn't he slash the gross public debt of the Government of Gibraltar by £194 million, which is 40% by June? He can do it before the next Budget. Why doesn't he do it if it has the adverse effect that he is describing in this House, or which he has described to the people of Gibraltar?

1385 **Hon. Chief Minister:** For the reasons set out in my answer to the previous Question 88 of 2012. (*Interjections and laughter*)

1390 **Clerk:** Question 90. The Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, what the hon. Member is going to be learning quite quickly is that constant waffle is just not acceptable in a Chief Minister. Substance needs to appear at some point.

1395 **Mr Speaker:** A question, please.

Hon. P R Caruana: What is the Question number?

1400 **Hon. Chief Minister:** I am quite happy to say those things about him, too, Mr Speaker. I am quite happy to get into discussions about these issues.

Mr Speaker, let us give the people of Gibraltar the parliament that they deserve and that they want – (*Applause*) a place where the Government comes to answer questions, not to be subject to the sort of speeches we are getting from the gentleman on the other side.

1405 **Hon. P R Caruana:** Mr Speaker, but I do not believe the people of Gibraltar want a parliament or a Government in which the Chief Minister frightens them and then does not understand, cannot answer the simple question of why he does not lift the fright immediately when he is able to.

I do not think the people of Gibraltar –

1410 **Mr Speaker:** Order! Order!

Hon. P R Caruana: – want a parliament like that at all.

1415 **Mr Speaker:** Order. Order.

Hon. Chief Minister: Mr Speaker, I think the people of Gibraltar do not want a Chief Minister who leaves them with only £20 million of useable cash.

1420 **Mr Speaker:** Order! Order!

The Hon. Leader of the Opposition was called to ask a question, but before he does so, I must remind members of the public gallery that you are invited here to observe the proceedings, not to participate in the proceedings.

1425

**Government revenue and expenditure
Forecast at 31st December 2011**

1430 **Mr Speaker:** The Hon. the Leader of the Opposition, Question 90.

Hon. P R Caruana: Obligated, sir, Mr Speaker.

It is still a good deal more civilised than in the United Kingdom, by the way, you understand that. As we learn everything from the United Kingdom, I think we are still considerably under their ceiling of incivility.

1435 **Mr Speaker,** can the Chief Minister say what is the overall Revenue and Expenditure in the current financial year, as at 31st December 2011?

Clerk: Answer, the Hon. the Chief Minister.

1440 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I am advised that these figures have not been provided before, but we are happy to make this information public.

The overall Government revenue, as at 31st December 2011, stood at £314.8 million, whilst overall expenditure stood at £279.3 million.

1445 These figures may not reflect adjustments which are effected by Treasury at the end of the year and therefore represent no more and no less than a snapshot of the position. The figures, therefore, should be viewed in that context, I am advised.

Hon. P R Caruana: Mr Speaker, if the hon. Member has been told that these figures have never been provided before, he has been misinformed.

1450 They have never been provided as simply as these have been asked, but the Hon. the present Minister for Employment, when he was Chief Minister and, I think, subsequently him, or certainly Mr Bossano, continued right up until the end to ask me not just for the totals – which is all I have asked for – but by Department, the total broken down by Department in terms of expenditure.

It is true you did not used to ask about revenue, but you used to ask about expenditure.

1455 **Hon. Chief Minister:** It is true.

Hon. P R Caruana: Yes, thank you very much. I am obliged to the hon. Member for his answer.

1460

Former Chief Minister's 'impenetrable curtain'

Current Chief Minister to explain

1465 **Clerk:** Question 91, the Hon. P R Caruana.

Hon. P R Caruana: Yes, Mr Speaker, although I think this was the Answer that he read out to the last Question.

1470 Can the Hon. the Chief Minister please say what ‘impenetrable curtain’ he has discovered that he believes I set up?

Clerk: Answer, the Hon. the Chief Minister.

1475 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman clearly ensured that the recent General Election was fought on figures for gross debt, net debt and amounts due from Government wholly owned companies which were based on published estimates presented in April 2011.

As it is now clear from the discussion this morning that Ministers were receiving up-to-date information on every movement in income and expenditure, he would have known that the figures upon which everyone else was debating were no longer accurate.

1480 By not sharing that information, by not calling more frequent meetings of the House for Questions and by continuing to refer to the ‘estimates’ when he knew the actual figures, the hon. Gentleman kept the right data behind an impenetrable curtain.

1485 **Hon. P R Caruana:** I see. Well, he will have to wait for the answer to that on Tuesday as well. *(Interjections)*

Well, I suppose you can see it on YouTube... You are a sort of ‘gadget wallah’ aren’t you? You can see it *(Interjections)* on YouTube.

1490 So the ‘impenetrable curtain’, as I understand it, is the fact that he thinks and he *alleges* that, during the election campaign, I was not using up-to-date gross and net public debt figures. Is that correct? Am I correct, then, in interpreting his answer?

1495 **Hon. Chief Minister:** Mr Speaker, until the night of the leader’s debate, when the hon. Gentleman told those of us who opened the debate, and Gibraltar, the figure of £520 million of gross debt was not a figure that, as far as I am aware, was ever made public.

Hon. P R Caruana: Therefore, will the hon. Member... If I can demonstrate to the hon. Member that he knew this at the Budget time last year, will he withdraw all the nasty allegations he has made about me on television?

1500 **Hon. Chief Minister:** Mr Speaker, I am very sorry that the hon. Gentleman thinks that I have said anything nasty about him.

I have simply put the position, as I see it, in relation to the issues that arise. I am quite happy, Mr Speaker, to tell the hon. Gentleman that I believe that that was the correct position and that we shall have a debate about whether he can demonstrate something or not.

1505 **Hon. P R Caruana:** I am sure that he will.

1510 **Airport tunnel runway
Position of project**

Clerk: Question 92, the Hon. P R Caruana.

1515 **Hon. P R Caruana:** Right, we have had the one about ‘impenetrable curtains’, no? Yes, so this must be ninety-two.

Can the Chief Minister say whether it is the intention of the Government to proceed with the tunnel project

under the runway?

1520 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman knows, the Government has received a pre-action letter from the original contractors selected by his administration for this project. It would not be in the public interest for me to say more at this stage. I am happy to speak to the hon. Gentleman about how things have developed since he left office on a confidential basis.

1525 A public statement about the status of the tunnel project will be made in the coming weeks and I am happy to say to the House that we will be taking legal advice on what it is right for us to say and not say.

Hon. P R Caruana: Mr Speaker, I have not asked him a question about what the legal status is of contractual claim and counter claim between the Government and the sacked contractor. They left the scene months ago. I have not asked him and nothing that he says about whether the Government intends to continue with the tunnel project or not has anything whatsoever to do with the fact that he has received a claim from the contractor that was terminated by the Government on expert legal advice from the United Kingdom and I believe that the Government has absolutely nothing to fear from the letter of claim that they have received.

1530 I offer my services free of charge to the Government, in whatever capacity he thinks I can help the Government – either as an ex Chief Minister or as an ex person involved in the decision to terminate the contract. I offer him my services in whatever consultancy or legal capacity, unpaid, to help him see off this entirely unmeritorious claim.

1535 Mr Speaker, that is not what my question was about. I would like to tackle this question in a sort of politically friendly way because I honestly do not think that the decision about whether we make a tunnel or not should be made on the basis of, ‘It was a Caruana GSD project and I will be damned if I am going to do it.’ There are serious long-term socioeconomic implications from...

1540 If the Government makes the decision that it is not willing to borrow more money, then it cannot build a tunnel, whether it thinks it is a good idea or not. That is why we do not agree with the Government’s decision not to borrow any more money, but I accept that if the Government, as it is entitled to do, makes the policy decision that it does not want to borrow more money, then it does not presently have £55... well, whether it is £55... I suspect £55 million is a back-of-the-envelope estimate by GJBS. It certainly cannot be done for the £15 million left to be paid to the OCL or whatever that figure is... £15, £16, £17 million. It will be some significant sum of money greater than the original £30 million, I think the figure was. But the Government certainly cannot do that immediately without borrowing more money, I can see that, which is why we never put ourselves in that position.

1545 What I would like to – through some supplementaries – try and convey to the hon. Member is the importance of this project to Gibraltar. This project is about two things. Does the hon. Member acknowledge, and will he agree to give due consideration when making his decision, both as to whether to proceed and the timing of when to proceed, to the fact that this project achieves for Gibraltar two important things. Firstly, it makes the new air terminal much more viable because it allows the hon.... who was it who said this morning who was already busy getting?... the Hon. Mr Costa, who was saying this morning that he was busy talking to new airlines already.

1550 Well, Mr Speaker, given that every time an aircraft lands or takes off, there is some degree of traffic paralysis in Gibraltar, therefore decoupling the vehicular traffic from the aviation traffic frees the Government to allow many more flights into Gibraltar than would otherwise be possible or viable without the barrier being up and down all day. So it is linked to the amount of volume of aviation traffic that can reasonably push...

1555 Will he also take into account that it decouples traffic congestion in the rest of Gibraltar from the tailback of frontier traffic because frontier traffic presently fills the loop, comes in front of the old air terminal, then there is a gap across the airfield and then it immediately gets to the Cross of Sacrifice roundabout, and once it gets there, all hell breaks loose. That would be finished because frontier traffic, in future, will have to fill the loop. It can then tail back along one of two lanes westbound, all the length of the frontier fence, all the length of the tunnel, all the length of the new motorway under the runway and parallel to Eastern Beach, and before it has any adverse impact on non frontier traffic: whilst, at the same time, because it is a two-lane road, allow people going to North Front, to the air terminal or to wherever else they are going – not to the frontier – free use of the other lane in both directions. Mr Speaker, these are very long-term socioeconomic things.

1560 The hon. Members will make whatever policy decisions they make. I would just urge them and ask them

1575 to give due consideration that whatever GSD project they decide to cancel for political prioritisation, manifesto prioritisation... no, they have said they are going to do that and they are entitled to do that. 'We want to spend the spending power that we have on our manifesto and not on yours.' Well, I am not going to criticise that. It is perfectly reasonable.

1580 There is one project that Gibraltar will not forgive the present generation of politicians if it does not obtain, and that is a tunnel under the runway. Will the hon. Member at least agree to deal with the pros and cons of that project on an objective basis, stripped of any partisan rivalry consideration?

Hon. Chief Minister: Mr Speaker, first of all, I have not received a pre-action letter. He received it when he was Chief Minister, the Government received it, and it will be dealt with, as he knows, in order to defend the Government position to the best possible abilities of those advising us. Here the identity of the politicians is less relevant.

1585 I must tell him, Mr Speaker, that in all the times that I was sitting where he is, or slightly to his right, and I was given this sort of answer, I simply said, 'Thank you. I will have the conversation' and I know that he has not tried to push me further and I hope that we can have that conversation about why I do not want to be pushed on whether works are going to start on that tunnel or not. But he should know, Mr Speaker, that when it comes to making a decision about whether this project, and other projects that were commenced or about to be commenced in relation to the tunnel, there is a lot done which is not visible, so it is a commenced project. We will not be making decisions based on whether they started it or we started it – whether it was a GSD project or whether it was a GSLP project. We will be making the decisions that we think are in the public interests of Gibraltar and all of the things that he has said are relevant to the decision that we are going to make.

1590 We will not be making decisions based on whether they started it or we started it – whether it was a GSD project or whether it was a GSLP project. We will be making the decisions that we think are in the public interests of Gibraltar and all of the things that he has said are relevant to the decision that we are going to make.

1595 I must tell him that, in the time that we have debated in this House the issues of the air terminal, and we have exchanged views about that, not just in this House but in press releases, he will have seen that we did not criticise the decision to create a tunnel. We might have criticised the way that the works were ongoing, but that was one part of the project of air terminal and associated works that we were not critical of. We were critical of the decision to create the new air terminal and he knows fully what our arguments were on that and we know what his arguments were on that, but the tunnel and the roads were not the subject of criticism by us.

1600 I understand that things have gone pear-shaped. It is now, as he says, unlikely to be something that can be completed on project price of £30 million. I do not want to get drawn into saying more than I agree with him that those are the relevant issues in determining whether we should be pursuing that tunnel project or not, or some other project. He and I should talk, not about his offer to advise – I would expect nothing less from somebody who has been Chief Minister of Gibraltar other than to want to help Gibraltar on an issue like the one that is developing in relation to the tunnel... (*Interjection*) Well... but we should have a conversation (*Interjection*) about why I do not want to be pushed further today on this issue in particular.

1605

1610 **Hon. P R Caruana:** Well, Mr Speaker, I will not press him, except to ask him – because it would be news to me and no one had ever put this to me when I was in his chair – it has never been suggested to me before that there is any connection between the litigation and whether or not the tunnel proceeds. Now he tells me that there is, or he has now had new advice, which I have never had. I am certainly willing to discuss it with him in private.

1615 **Hon. Chief Minister:** Mr Speaker, I am not even going to go there and when we speak he will realise why.

1620

**New Power Station
Commitment to proceed**

Clerk: Question 93, the Hon. P R Caruana.

1625 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister confirm that the Government will proceed with the new power station, as they committed to do in their Election manifesto and other election statements?

Clerk: Answer, the Hon. the Chief Minister.

1630 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as we committed to do during the campaign, we will respect the agreements that have been signed in respect of the proposed new power station.

A further statement will be made in due course of how that will result in our ensuring that Gibraltar's power needs are provided for.

1635 **Hon. P R Caruana:** Mr Speaker, the hon. Member's answer is, as he must well know, incomplete as to the extent of his election commitments.

1640 It is true that the manifesto costs it in terms of respecting agreements, but the Hon. Dr Cortes, no doubt reflecting the sense of urgency of the environmental lobby groups to get on with the building of the new power station, published articles in both the *Panorama* and the *Chronicle* newspapers... remember, you know, the article it has got a nice picture of him here – these articles that all the candidates had to publish – in which he says... well, not content to just commit him to do it, he actually chastised us for not having done it yet quote:

1645 'The GSD Government has delivered neither the much needed Power Station nor the sewage plant. We are committed to both.'

Hon. Chief Minister: Exactly why, Mr Speaker, in due course we will be making a statement of how we will be ensuring that Gibraltar's power needs are provided for.

1650 **Hon. P R Caruana:** With respect, that is disingenuous.

Dr Cortes, on behalf of the GSLP, was not committing to satisfy Gibraltar's power needs, he was committing the party at the polls to proceed with the 'much needed power station' which he chastised us for not having built yet and the only thing that we had not built yet, which we were planning to build, was the new power station up at Lathbury Barracks. That is what he was committing the GSLP Liberal Alliance to do.

1655 Is the Hon. the Chief Minister now resiling from that? Is he saying that the Government is not committed to proceed with a new power station but just to some alternative means of ensuring that Gibraltar's power supplies are met?

1660 **Hon. Chief Minister:** Mr Speaker, there are many potential permutations which flow from what I have said, some of which include the power station as he planned it and some them which he could include, the power station, but not as he planned it.

1665 Mr Speaker, the Hon. Mr Cortes was absolutely right, of course, to bring this issue to the attention of people in the terms that he did because what the hon. Gentleman might want the public to forget or, in fact, might not want the public to know, is that perhaps the reason he is pushing us so much – and we have been in administration for much less than eight weeks – is that in 1999, I believe, he had a Report, called the Manx Report, that told him that engine sets numbers one and two at Waterport are expected to reach the end of their operational life by 2004, after which either Waterport or OESCO will need to invest in additional generating capacity to maintain security of supplies to Gibraltar.

1670 Mr Speaker, the Report went on to say that, even assuming a more optimistic figure of 120,000 hours of running life, engine sets numbers one and two have only a further four years to run, which does not take them to the termination date of the Power Purchasing Contract of 2010, which is the OESCO contract. He was being told, Mr Speaker, in this Report, the following words:

'Therefore, serious consideration needs to be given to commissioning new generation plant capacity soon.'

1675 Mr Speaker, he got this Report in 1999. It was not until last year that the generating capacity got the importance it appeared to deserve from the hon. Gentleman. He knows that if this project were to go ahead, it will be the largest capital project in the history of Gibraltar. It is an important decision to take, whether we proceed with that project or not, not just because it is the biggest capital project in Gibraltar, not just because of the issues of debt that arise on which we can continue the debate about whether it would be debt or not be debt, whether we would breaking our commitments or not breaking our commitments of debt.

1680 I know what he said about the backing he would give us if we were to do these projects, but he needs to understand that we have not seen the agreements since they were initially drafted. We have not been seeing

the proposal for the funding since the drafting started.

1685 He, of course, was in the driving seat when it was all started. He, I expect, will know it inside out. We have been there for less than six full weeks. We need to make a decision about how we deal with Gibraltar's future generating capacity needs, which we will make as soon as we are able and we will make an announcement as soon as we are able.

1690 **Hon. P R Caruana:** So the answer is that he is not committed to the power station that we have contracted to build and in respect of which he is aware that the export guarantee agencies of three leading EU countries have guaranteed the Government's new borrowing on.

I just say that to identify the project. He is not committed, at this point in time, to building that power station.

1695 **Hon. Chief Minister:** Mr Speaker, at this point in time, having been elected six weeks ago, having started to see the detail of the agreement six weeks ago and not just what the hon. Gentleman was telling us publicly before then, having already met with some of the people who have been assisting us to put in place the financing and having, as he knows, had an opportunity to extend the period for making the final decision to proceed or to 'omit', which is the technical jargon that he will know that contracts carry for a decision to proceed or stop, it is not possible for us, Mr Speaker, to give him a clear statement that we are committed to that power station in that place, in that form. There are many permutations of this which could see that power station, for example, with less generating capacity initially and slowing building up to more. All of those permutations are on the table.

1700
1705 Mr Speaker, what I am saying to him is he needs to stop trying to push me into a corner to say 'yea' or 'nay', because I believe that what we are considering, potentially, is within the letter of what we committed ourselves to do, within the letter of what Mr Cortes said in his articles. Of course, I understand that he is embarrassed because he knew in 1999 that these problems were going to start arising in the middle of the following decade. We are well over that decade. He did nothing whilst he was in power and now he wants to make sure that there are not power cuts in Gibraltar – which would be his fault.

1710
1715 **Hon. P R Caruana:** Mr Speaker, the hon. Member has got to get out of Opposition mode and just accept that he is now the Chief Minister. (**Hon. Chief Minister:** Ditto.) It is not true that we did not do anything. (*Interjections*) No, I am now the Opposition. I am allowed to snipe. I no longer have the responsibility. I can now be as irresponsible as you were when you were on this side of the House! You are the one with the responsibility, (*Interjection*) not me. Whatever you need to...

1720 Mr Speaker, it is not true that the Government did nothing. Does he think that a decision to build a new power station is something that materialises in three months? He must be aware that there were reports and studies that needed to do to seek a site, that there had to be geological things about... that a site had to be selected. Then there had to be a consultation about technical analysis of the sort of power station, or renewable energy alternatives had to be investigated. Then we had to choose the procurement route.

1725 Then it all had to be specified and, when we were ready to start, we were enjoined by the Court because somebody thought that we were obstructing his view or something, or making too much noise in the new power station. If not, that project would now be beyond the stage where the hon. Members could stop it. The suggestion that the power station, quote: 'achieved prominence a few months before the Elections...' or words to that effect, as the hon. Member... is just to... He must know it is nonsensical. He must know that the technical lead-in time, that the technical lead-in time... (*Interjection*) This project has gone through EU tender. It has been allocated. It has been assessed.

1730 The question is, Mr Speaker – I am not trying to push him into a corner – does the hon. Member not accept that I am just using the experience that I think I gathered over 16 years on that side of the House to urge upon him to continue with the project which, in my view... look, he can come to a different view, but I just want to make sure that he understands that, in my view... and these are the only projects I push him on. I do not push him on, you know...

1735 The tunnel and the power station are, in my view, key to the future social economic viability of Gibraltar and the ability of Gibraltar to comply with EU environmental directives. I just want this not to be a decision that is made... so I push him to urge him to try and do this project, not to push him into a corner. I do not expect him to give me an answer today, except on the power station. I was being a bit political because there was a commitment there by Dr Cortes, but the point of the question is not to embarrass Dr Cortes or him,

1740 although I am entitled to try and do that, that is what politics is, the point of the question is to urge him to come as quickly as possible to the decision that Gibraltar needs a power station. Whether it has got one or two generators more or less is a grade of decision which is a wholly different matter.

Hon. Chief Minister: Mr Speaker, you see, I do not think politics is about embarrassing people, but he can consider me 'urged', I think, on this issue.

1745 The –

Hon. P R Caruana: You used the Report to try and embarrass –

Hon. Chief Minister: I think the issue is clear (*Interjection*) and I think –

1750 **Mr Speaker:** Order! Order!

Hon. Chief Minister: – it is important, Mr Speaker, that the community should know that this has been an issue which the Government of which he was the leader had a report in 1999, because he is urging me –

1755 **Hon. P R Caruana:** You say that to try and embarrass me.

Hon. Chief Minister: No, Mr Speaker. Did not the hon. Gentleman just admit that he brought up the articles in order to try and embarrass us? He is not here to answer questions. It is a rhetorical one. Right? (*Interjections*)

1760 I do not believe that politics is about embarrassing people, but I can see –

Mr Speaker: Order! Order!

1765 **Hon. Chief Minister:** Well, I can see where the hon. Gentleman is going.

I do not think politics is about calling people names, but when I get called a name by him, I call him one back because, unfortunately, I do not want him to think that he can get away with it. That is the only way to deal with bullies, Mr Speaker, to slap them back. (*Interjections*)

1770 **Mr Speaker:** Order!

Hon. Chief Minister: But, anyway, Mr Speaker, the issue is clear.

1775 On this, despite the bluster, we all agree that there is a non-partisan issue to be resolved, which is that future generating capacity that Gibraltar needs to have to have a continuity of supply. He can rest assured that whatever decision we make about the power station, which is, I think, in the lexicon that we have shared across the House – the proposed new power station at Lathbury Barracks, – it will be made *only* with that in mind: the need to have for Gibraltar a secure supply of generating capacity for the future.

If only, Mr Speaker, the work had started earlier.

1780 **Clerk:** Question 94, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, I am just trying to recall when I called him a name... well, I don't recall calling him a name in respect of a question when we were discussing the power station. The only name I called him was 'Chief Minister'. Maybe he thinks that that...

1785 **Mr Speaker:** There were no names today, but there were... (*Interjection*) descriptions like 'nonsense'.

Hon. P R Caruana: So, we will leave it there, if that is potentially embarrassing.
Mr Speaker, Question 94. Yes. Is it 94?

1790 **Mr Speaker:** Yes.

Public holiday

Cost to Government and private sector

1795 **Hon. P R Caruana:** Can the Chief Minister say what is the cost to (1) the Government and (2) the private sector of a public holiday?

Clerk: Answer, the Hon. the Chief Minister.

1800 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, exactly the same as it was when the hon. Gentleman, the Leader of the Opposition, declared a public holiday on 12th January 2009 to celebrate the fantastic victory in the ECJ tax case – which fantastic victory was overturned on appeal!

1805 **Hon. P R Caruana:** Yes, Mr Speaker, but the difference is that he has now declared a public holiday, not on a one-off basis to celebrate one victory which was overturned on appeal, but the benefit of which survived the loss of appeal, by the way. I always have to complete his statements in order to make them completely true!

1810 Not only was mine (*Interjection*) a one-off... His is annual. His is annual and they come within days of each other and I am just wondering, because I have never worked out... He is quite right. He appears to think that I asked this question as a leading question. It is a genuine question. It had never occurred to me in 16 years of being in Government to try and get somebody to calculate what was the cost of a public holiday, and people must know that there are costs. For example, the public sector has to carry on offering public services, Police... not the Police... ambulance, nurses, electricity generators and all of these people on public holidays earn overtime rates. So every time there is a public holiday, there is a cost for Government. The private sector has similar costs and an additional loss of sales and things of that sort.

1815 It is not a question designed to trap him; it was a question designed to see whether the Government could deploy machinery, which he now controls and I no longer have access to, to work out what this holiday is and the hon. Member has chosen to declare a Workers' Memorial Day, the day or two before... Workers' Memorial Day by another name, otherwise known as 'May Day'. One is to celebrate workers as a whole and the other one is to celebrate workers who have died at their place of work. I am just interested to know whether anybody in Gibraltar... whether the Government has any internal information about what the cost is of a public holiday.

1820 Not all my questions are designed to pin him to the ropes. I will indicate to him when they are.

1825 **Hon. Chief Minister:** Mr Speaker, he does not need to. I am quite happy to take him on in the ring whenever he likes and I daresay that it may not always be me that ends up pinned to the ropes.

1830 Mr Speaker, the hon. Gentleman declared a holiday for the Royal Wedding of Prince William, which we supported. He declared a public holiday for the constitution, I think in 2006 or 2007. Mr Speaker, what we have done is what we set out in policy to do during the course of –

Hon. P R Caruana: We are not criticising that!

Mr Speaker: Order! Order!

1835 **Hon. Chief Minister:** – not just the Election campaign, but since I became the leader of the GSLP, and that is that 1st May was already a public holiday given the closest weekend, and that 28th April should be a public holiday to commemorate workers who have died during the course of their work.

1840 Mr Speaker, 1st May celebrates something completely different, which is the struggle of workers to achieve workers' rights. So, in that context, we are perfectly satisfied that declaring a public holiday for every year, instead of declaring one *ad hoc*, depending on what it is that I might decide is worth celebrating in any particular year is quite worthy.

The cost of that, Mr Speaker, the hon. Gentleman knows – and his answer reflected that he knows – is not something that has been calculated previously by any Government.

1845 **Hon. P R Caruana:** I don't know.

Hon. Chief Minister: I agree with him, actually.

1850 **Hon. P R Caruana:** I don't know.

Hon. Chief Minister: I agree with him, Mr Speaker. (*Interjection*)

Well, Mr Speaker, the hon. Gentleman has just said to me that he had never done the exercise of calculating, therefore he must know that it is not an exercise which has been done.

1855 Therefore, Mr Speaker, (*Interjection*) I am quite prepared to see whether it is possible to carry out such an exercise because it may be something that is worth us knowing because it is important that we understand these things. The hon. Gentleman is absolutely right. In other places there are calculations done on this basis.

1860 He will know, Mr Speaker, for example, that shutting down Government for the period between Christmas and New Year, which may or may not be so desirable, depending from which point of view you look at it – fantastic from those of us who work in Government and I am delighted to include myself in that number now, but not so desirable from the point of view of private sector individuals and businesses that need to interact with Government Departments – also costs money and, despite the mechanism that there is that people need to take those days as leave, they are forced to take those days as leave, of course it affects Government cashflow, which is not something that costs us money but does mean that cash is not flowing so readily into Government coffers.

1865 This is an exercise which I am as interested as him in seeing whether it is possible to carry out and perhaps we can do that as an exercise in the coming months.

Hon. P R Caruana: [*Inaudible*] ...to take the pill. I do not see why the hon. Member is so defensive. There is no trap in this question.

1870 I have already told him I do not know and I have been in office for 16 years. I was just wondering whether there was something the Government had to look...

It is easy, peasy for the Government to know what it costs it. I am sure the Treasury will tell him in a flash what one day's overtime cost is for all the essential services in the Government. I mean, you have got a brain, sir. You do not have to ask anybody whether it is possible. I suppose any junior clerk in the payroll section of the Treasury can tell him what the cost is.

1875 It never dawned on me to ask and I was just asking whether the Treasury knew and, if they had asked him he could have told them. I do not see why he has got to go on all this about what the deal is for and what I knew. Certainly, in terms of the private sector cost, this is not something that the Government can calculate by itself.

1880 I do not know. I said I did not know. Why couldn't he just have said, 'Well, I do not know, but I think it is a good idea. Let's commission a study to find out.'?

1885 I think we should find out what the cost is of public holidays in Gibraltar and I think, and I am not criticising this holiday... the fact that you do not think something is a bad idea, does not mean that you do not want to know the cost of it. So I am asking the hon. Member whether he will agree to commission a study to work out what the elements are and then what the aggregate cost is of public holidays in Gibraltar. I think it is worthwhile information. Would he agree to do it?

Mr Speaker: I think he said so.

1890 **Hon. Chief Minister:** Mr Speaker, it is not me that is on the defensive and perhaps if he was not (*Interjection*) on the defensive, he would have heard that that is what I have agreed to do.

1895 Mr Speaker he should know, and I am quite happy to tell the House, that I did ask whether the information was available, and it was not, and therefore that is why I took... I do not think he heard my previous answer, Mr Speaker. I said I asked –

Hon. P R Caruana: Mr Speaker, his answer was a statement when –

Hon. Chief Minister: Mr Speaker, I said –

1900 **Hon. P R Caruana:** That was his answer.

Hon. Chief Minister: Mr Speaker, that was my *first* answer, not my previous answer.

- 1905 **Mr Speaker:** But the Hon. the Chief Minister did say he would commission the estimated costs.
- Hon. Chief Minister:** Mr Speaker, the –
- Hon. P R Caruana:** Eventually.
- 1910 **Mr Speaker:** With respect, we cannot expect any Member of the Government to answer questions in the order and the speed and the way the hon. Member wants him to answer. The answer was there.
- Hon. Chief Minister:** Mr Speaker, in my previous –
- 1915 **Hon. P R Caruana:** The answer would not have been forthcoming if I had not eventually got to it through a supplementary.
- Mr Speaker:** Yes, we do have the answer.
- 1920 **Hon. P R Caruana:** The hon. Member could have said it in the first place.
- Hon. Chief Minister:** Mr Speaker, the hon. Gentleman asked one supplementary. I gave him one supplementary answer. In that supplementary answer, I said that we would do it because I had asked and that information was not available.
- 1925 I commend to him that he should listen to what I say, even though he appears not to like the sound of my voice. Sometimes we are in agreement and sometimes I am giving him the answers that he wants to hear.
- 1930
- British Overseas Territories
NGOs addressing UN Committee of 24**
- Clerk:** Question 95, the Hon. P R Caruana.
- 1935 **Hon. P R Caruana:** Can the Chief Minister say what NGOs from the other British Overseas Territories address the UN Committee of 24?
- Clerk:** Answer, the Hon. the Chief Minister.
- 1940 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the information sought by the hon. Gentleman is publicly available from information sources at the United Nations. Nonetheless, to assist him, I would refer him to speeches made in my presence and his by, for example, the Chamber of Commerce of the Cayman Islands.
- 1945 **Hon. P R Caruana:** Well, Mr Speaker, I know that there are examples. It is just that, in his broadcast, he says that they are from all the listed territories and I was just trying to elicit what were the NGOs from all the territories which, to my knowledge, most territories do not appear before the committee, either through their Government or through NGOs.
- 1950 Just giving me an example does not get to the point that I was seeking.
- Hon. Chief Minister:** Mr Speaker, I cannot give him a list of all the NGOs from all the territories but, needless to say, they go from some, if not all... I believe that they go from all of those that are populated.
- 1955 Perhaps I should (*Interjection*) have prefaced my statement in the New Year's address by saying, 'All those Overseas Territories that are populated and that attend the UN.' It is only Gibraltar that had a Government, until 9th December, that insisted that they should be the only ones to address the UN.
- Was this a trick one to put me on the ropes, or not?
- Hon. P R Caruana:** No, I mean...yes. (*Interjections*)

1960 Mr Speaker, the point that I was trying to get at is not that he says in his statement, as he is perfectly entitled to do... 'I think that Gibraltar, like some other territories, should go, not just by their Government, but by school children and the Leader of the Opposition, whose fare we will pay, and NGOs and anyone... we all arrive there and sock it to them together.'

1965 Alright, that is fine. I was simply challenging the accuracy of the hon. Member's public statement, where he says that *all* the territories go, suggesting that we were the only one who did not do it in the way that he was now going to do it, when I think he would agree with me that, for example, of the United Kingdom Overseas Territories, *most* do not go near the Committee of 24, let alone with NGOs and school children and the Leader of the Opposition. I was just trying to get to the bottom of when he said '*all the territories*', did he mean all the territories or whether he was just using loose language?

1970 To my knowledge, and to his, it is not the case that *all* the territories make it their business to transact with the Committee of 24. He knows that that is not the case. I know that is not the case.

Hon. Chief Minister: Absolutely correct, Mr Speaker, but those that do, in my experience, but those that do, in my experience, deploy a larger entourage.

1975 **Hon. P R Caruana:** But that is not what he said. What he said to the people of Gibraltar was that *all* the territories go, through their NGOs. That is the only point that I was trying to make. There is an element of rope tightening, but not life threatening...

1980 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to rest assured that I feel not at all threatened by him.

Adjournment

1985 **Hon. Chief Minister:** Mr Speaker, it was lost on me – and these are the teething troubles that one has – that it is now up to us to decide when we have tea. So could I move the adjournment until a quarter to six?

1990 **Mr Speaker:** The House will recess until a quarter to six

The House adjourned at 5.27 p.m. and resumed its sitting at 5.45 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.45 p.m. – 7.28 p.m.

Gibraltar, Thursday, 19th January 2012

The Gibraltar Parliament

The Parliament met at 5.45 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

Procedural

5 **Clerk:** Question 96, the Hon. P R Caruana.

Mr Speaker: May I inform the lady in the Public Gallery that photography is not permitted without the permission of the House.

10 **Hon. Chief Minister:** Mr Speaker. I do not intend to advocate for anyone who is in the Gallery, but I

understand that the press may have been informed that today was the session to take pictures for their library pictures, and I believe the lady is from one of the publications that was not here this morning.

15 **Hon. P R Caruana:** Panorama.

Hon. Chief Minister: So if the hon. Gentleman opposite will agree, because this is an issue that goes ahead with the consent of the whole House, I would ask that she be allowed, for the purposes of having their gallery of pictures of the House.

20 **Mr Speaker:** I am grateful. I was not aware that it had been consented to.

Hon. P R Caruana: Anything for Dr Garcia's father. *(Laughter)*

25 **Mr Speaker:** Yes.

**UN conditions for de-listing a territory
Gibraltar compliance**

30 **Clerk:** Question 96, the Hon. P R Caruana.

Hon. P R Caruana: If she is taking a picture, I had better tie up my jacket. Mr Speaker, can the Chief Minister say, what are the United Nations' current conditions for de-listing a territory and can he also say whether he considers that Gibraltar satisfies them all?

Clerk: Answer, the Hon. the Chief Minister.

40 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the information sought in the Question is publicly available, in that it seeks that the Government should list criteria set out international legal instruments.

I will tell him that my own view is that we have reached the maximum possible level of self-government and should, therefore, be de-listed by the UN. I am surprised he is interested, given his previous statements about how irrelevant he considers de-listing to be.

45 **Hon. P R Caruana:** Mr Speaker, the hon. Member knows that I am a little bit more Machiavellian in the Questions that I formulate to him than simply ask for information that I already know. I never ask a Question to which I do not already know at least part of the answer.

Now, Mr Speaker, the question is this: the hon. Member will acknowledge, I am sure, that we are separated across the floor of the House and it is relevant to his invitation to take me on holiday with him to the United Nations in New York, is that we have a different view, not about the Fourth Committee, but about the Committee of 24, the special decolonisation committee. That difference of view is, as I am sure he is aware, based on the fact that the United Nations' de-listing criteria are such that they will not recommend de-listing to the Fourth Committee, if there is anything in the territory's constitution that allows the ex-administering power any residual legislative rights.

55 We presently have a constitution that *does* leave the ex... the United Kingdom, through Her Majesty, with residual legislative rights. On the other hand, the United Kingdom is saying – to all the Overseas Territories, by the way – we are not willing to give up our residual legislative rights, except if you want to retain your constitutional links and your sovereignty links with the United Kingdom. Why? Because we are not willing to have international responsibility, without any wherewithal to put an end to unacceptable behaviour in Overseas Territories.

60 We in Gibraltar want both maximum self-government, but we also say we value our British sovereignty, which we want to retain, and our constitutional links with Britain, which we want to retain. Those continuing constitutional links with Britain that we want to retain, and that British sovereignty which we say we want to retain, are not available to us in a way that can deliver compliance with the United Nations' de-listing criteria, because the United Nations say they are not willing for you to be British sovereign, and to have a

constitutional link with Britain, unless I have legislative last resort, legislative powers, and the United Nations says, 'Well, if you have got legislative powers in the territory, then you are not eligible for max de-listing.'

Because we want, not one of those but both of those, there is no point in changing the UK's mind. The UK is simply saying if you... we want British sovereignty and constitutional links.

So I am asking the hon. Member to consider whether, given that we want both things – de-listing and to retain British sovereignty and our constitutional links with Britain, which are not available without the UK having some sort of final handle over Gibraltar, much as we might not like that aspect of it – is it not logical, rather than carry on saying to the United Nations, 'Delist us, delist us, delist us,' when we are in blatant non-compliance [*Applause*] with one of their de-listing criteria, is it not more logical to say to the United Nations, 'Your de-listing criteria are antiquated and should be changed, because I am entitled to be de-listed and to preserve a constitutional link with Britain and to preserve my British sovereignty', which are the three things that we want. That is what separates us at the United Nations. I have not identified much else that separates us at the United Nations.

I am just asking the hon. Member what the de-listing criteria are and whether he thinks we comply with them, to have a debate to seek his views about whether he shares our assessment that, to obtain de-listing and keep our British sovereignty and our constitutional links with Britain, we are going to have to persuade the United Nations to drop that de-listing criteria with which we cannot comply *and* keep our British sovereignty and constitutional link with Britain, which we say we also want.

Hon. Chief Minister: Mr Speaker, just on a point of form, because there is a lot that we agree on in what has been said, and I will go onto it now. The hon. Gentleman has actually said, 'I am only asking this Question in order to have a debate on this issue'. A Question must not be a pretext for debate...

Hon. P R Caruana: I am asking.

Hon. Chief Minister: Except that, Mr Speaker, this is a very important issue that we should be debating in this House. Therefore, Mr Speaker I would invite that, in future, if there are issues like this, the hon. Gentleman put a motion, because I think it is important that we bring back the concept of debating on motions in this House, not just on issues upon which we disagree, but also on issues where it may be that we want the House to be committed on issues where there is broad agreement.

Mr Speaker, it is not that I want to take the hon. Gentleman on holiday. I wish that we got on better and perhaps we might both look forward to going together on holiday! (*Interjection*) I am not excited at the prospect, so he cannot expect that I am going to invite him to come to the seminar with me as well, or anywhere else – just New York, and for business, Mr Speaker.

But a lot of what the hon. Gentleman has said is a matter of agreement across the floor of the House. In his interpretation, and I know that he has said this before, and in mine, there is a residual legislative power to the United Kingdom, but it is pretty sparse and it is only there to be used in the sparsest of circumstances and I dare say that it is very likely that the United Kingdom would find that it was against both Government and Opposition and any other political party in this place and most people here, if it sought to exercise its reserved powers. The developing case law shows that the good government aspects of those residual powers now must be interpreted only in respect of the good of the territory and not the United Kingdom's wider good, although I am sure that lawyers could argue over those points here and in the Privy Council for days.

The important thing is that we believe that we have achieved the maximum possible level possible of self-government and our attitude – and it may just be a different side of the prism. Our attitude has been to say at the United Nations, 'Can you, Committee of 24, can you, Fourth Committee, please tell us why it is that you think that we have not achieved the maximum possible level of self-government required for you to delist us?' because those residual powers are only in our constitution, not because the United Kingdom has given us such a constitution and has reserved powers to do whatever she likes in the 'colony', which is what was the case when the criteria were established, but because the people of the territory, in an exercise of self-determination, *vide* the preamble of our constitution have chosen that that should be the case. So it is not the old colonial style, where the mother parliament withholds certain powers to herself. It is a modern relationship – of course, we agree it is modern, we just do not think that is enough – where the people of the territory have, in a referendum, chosen the status and we say to the UN, 'In that context delist us or tell us why you think that you cannot delist us, having heard those arguments.'

The hon. Gentleman has taken a different tack. It is true that perhaps it is not analysed in this way, when

we go head-to-head on the issue, but we are all, it appears, trying to reach the same destination.

125 **Hon. P R Caruana:** Mr Speaker, does the hon. Member not acknowledge that what he has just said is squarely with what I was saying and demonstrates the need to adopt the GSD Opposition's approach? It is precisely because the territory population has chosen it that the United Nations has to be persuaded that their view that, even when the territory has chosen it, they will not delist if there is a residual legislative power, that that is anachronistic, because we can never comply with that condition.

130 The United Nations are not saying it is okay for the ex-colonial power to have residual legislative power *if* the colonial people are content. Peter Isola went to say that, and they said they were only content, because the Spanish had gunboats pointing at us!

135 The United Nations are saying that the United Nations' de-listing criteria say that *even if* the people are content, *even if* the people are content and vote for it in an act of self-determination, it is *still* not acceptable to the United Nations to delist if the ex-colonial power has a residual power of legislation, and we say that is what we have got to demolish. We have got to persuade the United Nations that that condition is undemocratic, anachronistic, for the very reason that the hon. Member has just said, because the people have wanted it, have chosen it in an act of self-determination, and who the hell are the United Nations to decide what is an acceptable form for us to be decolonised and not to be colonised?

140 That is why I say to the hon. Member, it is not a question of going to ask them to tell you why our constitution is not compliant and in what respect; we know the answer to that question. The answer to that question is, because one of the de-listing criteria is that the ex-colonial power must not have legislative powers, and our constitution provides for the United Kingdom to have legislative powers.

145 Now, we can spend the next 25 years going to ask the United Nations to tell us what we already know and what is clear to anybody who reads the de-listing criteria and our constitution, and even if they answer the question, the position is still that we cannot comply with it; or we spend the next 25 years trying to persuade the United Nations not to be so damned autocratic and to allow us to delist, notwithstanding that the United Kingdom has residual legislative powers, because that is the will of the people of Gibraltar in an act of self-determination, and they should modify their de-listing criteria, not to forbid de-listing in those circumstances, but to permit de-listing in those circumstances. That is the GSD's position on the matter and has been...

150 In the meantime, we do not go to the Committee of 24 precisely because we take the view that we have already achieved the maximum level of self-government that we can and we want, if we want to keep our relationship with the UK, which we do, and therefore there is no point going to ask for more than we want which, in any case, they are not going to give us. That is the difference between us. Much of what the hon. Member has said today recommends our approach much more than it would recommend a different approach, Mr Speaker.

155 Can I just, finally, ask him to acknowledge, if he would, that he is, I think, dangerously understating, in UN terms, he is dangerously understating the nature of the United Kingdom's power of legislation in the Overseas Territories, including Gibraltar. The United Kingdom *habitually* legislate for the other Overseas Territories. Every time the United Kingdom passes an Order in Council applicable to all the Overseas Territories, it is legislating for the Overseas Territories.

160 It is true that we, in Gibraltar, after a long rearguard action, certainly during all the 16 years that I have been in office, have persuaded the United Kingdom *not* to legislate by Order in Council for Gibraltar, but to allow us, through local domestic legislation, to replicate whatever they were going to do in the Order in Council for us. But the United Kingdom – particularly in aviation matters, for example – habitually passes Orders in Council. That is legislation. The law of the United Kingdom is that Parliament is sovereign and Parliament is free to legislate in the House of Commons, with territorial application in the Overseas Territories, whenever it wants to and, indeed, purported to do so recently – we have now persuaded them to reverse it – but did so under the Armed Forces Act 2006.

165 So this is not a theoretical or residual or rare thing. It is rare in its application to Gibraltar by agreement between us, but it is not residual in the practice. The United Kingdom is free to do it whenever it pleases. It may choose not to do it, as a matter of relationship or as a matter of whatever, but that distinction is irrelevant to the United Nations. I would ask the hon. Member to consider that the United Nations would simply take stock of the fact that the United Nations, without so much as a by your leave from the people of the territory, are free if they want to legislate as often as they please for the Overseas Territories and that is all they will look at. They will not look and say, 'But they're nice and they don't do it, because they respect' and all of that. That is going to be irrelevant.

180 So, I would ask the hon. Member just to consider, I am not trying to persuade him today to express a definitive view. I would welcome the opportunity for continuing conversations between us, public or private, to see if this difference can be narrowed, so that there is a single Gibraltar view and, frankly, when there is a single Gibraltar view, it is not necessary for me to go with him to New York. I am very happy to be represented by him as the Chief Minister of all Gibraltarians, including me. This is not about who goes and who does not and who pays the fare and does not pay the fare. This is about whether we have a viable, common position with a reasonable prospect of success, as opposed to now a position which sounds very hairy-chested, but has no prospect of getting to where we both want to get, which is to get Gibraltar's name of the UN's list.

185 I would ask the hon. Member to consider at least whether we can continue in discussion.

Hon. Chief Minister: Mr Speaker, of course, we can continue this discussion, publicly or privately, and it is important that we should, because we must do everything possible that, on this important issue, we should not be divided if we can avoid being divided.

190 Mr Speaker, the argument in our view is a little bit more complex than that. For example, short of modifying the UN criteria, it may be possible to persuade the UN to apply its criteria in a more modern way, looking at the way the world has changed.

195 I think, Mr Speaker, that Sir Joshua Hassan, who was Leader of this Parliament for so long and Peter Isola, who contributed so much to this Parliament, did much more than just turn up in New York and say, 'We do not want to be Spanish, because they have got Spanish gunboats pointing at us'. The criteria were there then; they are there now; they are 60 years old.

200 Would that we could achieve that the United Nations change its criteria and model it around the sort of status that we have today to achieve a de-listing, but it is also possible to say that the criteria 60 years ago applied in the modern world must cover a situation such as this, where the ex-colonial people, as we see ourselves, have chosen a constitution which contains these criteria.

Hon. P R Caruana: Mr Speaker, would the hon. Member give way just a second?

205 The answer to his question is 'no' and do you know why it is no? Do you know why it does not extend? Because the United Nations decolonisation crowd assume, as they assumed when Peter Isola and Joshua Hassan went, that we are going there meekly to say that and there is some sort of direct or indirect undue influence by the perfidious United Kingdom that has some sort of hold on us and simply uses us as their lackeys to bring about a result that allows what *they* regard as a continuation of a colonial status.

210 So they assume – they do not believe this business of exercise of self-determination. They assume that nobody would opt for decolonisation through a formula that allows the ex-colonial power to continue to legislate over them. That is anachronistic because they think that, because they recall their own decolonisation experiences.

215 My antidote to the argument is to say, 'Well, look, if you think, United Nations, that having the United Kingdom having legislative powers over a territory that is not part of the union of the United Kingdom makes them a colony, why have you not listed Jersey and Guernsey?' because the United Kingdom have the same legislative powers over Jersey and Guernsey as they have over Gibraltar, but nobody thinks that they are a colony. They are not on any United Nations list.

220 So we have got to attack this as anachronistic and undemocratic, this old 1960s view that if somebody is trying to break from the colonial shackles and comes along and says that they are happy for the ex-colonial power to legislate over them whenever it suits their fancy, they must be lackeys of the colonial power, oppressed, suppressed, cajoled by the colonial power into trotting along to New York to say those things, because they cannot imagine, recalling their own experiences, that they would have accepted anything of the kind. That is the anachronism that we need to break.

I am obliged to the hon. Member for giving way.

225 **Hon. Chief Minister:** It is not usual to give way at Question Time. This is becoming a debate and, if the hon. Member does not mind, I am going to say just a few things and I think we owe it to everybody to get on with the Questions.

230 But, Mr Speaker, the simple answer to why Jersey and Guernsey are not brought onto the list by the United Nations is because it was up to the UK to notify the Territories in the 1950s, and did not. That is the issue.

235 Of course, the United Kingdom reports to the Committee, to the UN, under article 73. The United Kingdom reaches a consensus decision with Spain. So although it is saying to us, 'The criteria are outdated, you do not need to be involved in that', it is actually taking part in the proceedings of the Committee. This is all the issues that make this much more vexed than just their position or our position. There is a lot in there which I think we should continue to discuss, because if it is possible to have a Gibraltar view on this, we owe it to Gibraltar to reach that view.

Mr Speaker: The Hon. Daniel Feetham.

240 **Hon. D A Feetham:** Mr Speaker, I do not want to shatter the *entente cordiale* that has temporarily developed between the Chief Minister and the Leader of the Opposition –

Hon. P R Caruana: On this issue.

245 **Hon. D A Feetham:** On this issue.

250 But in the light of the position he has expressed, the position the Government has expressed, in relation to this issue, that he believes that Gibraltar has the maximum level of self-government, short of independence and short of being commensurate with British sovereignty, does he not accept (1) that that arises out of the new constitution, (2) that, therefore, their position on the new constitution was misconceived, and (3) that the position that he has expressed in this House today is, in fact, a U-turn from the position they adopted on the new constitution?

Hon. Chief Minister: Mr Speaker, it is not a U-turn.

255 He does not seem to understand the niceties of what we have discussed. We are not here to answer for the things that we did as Opposition; we are here to answer for the things that we do as a Government, but I am quite happy to say that we do not feel that we were wrong in the position that we took.

That sort of contribution is what makes it difficult to reach a consensus for Gibraltar. It is a cheap political point and, frankly, it is better not made.

260

National Day Potential changes

265 **Clerk:** Question 97, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, is the Chief Minister able to say – I realise it is early days – what changes he plans to introduce to the format of National Day to update it?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, not yet, other than to say we will be putting the accent on young people and the political importance of the day that we are celebrating on 10th September every year.

275 An announcement will be made in due course. It maybe that we will have an opportunity of discussing those issues as well – not across the floor of the House – before the announcement is made.

280 **Hon. P R Caruana:** I was just a little taken, Mr Speaker, by one phrase in his broadcast on this Question, when he said that even with all the entertainment things for the youth were going to be refocused, so that these guys understand the political significance of what they are doing, which suggested to me that everything, even the concert, was going to be given a political flavour.

Presumably, the hon. Members may be planning to restore a political event, but they are not suggesting that they are going to be introducing political *content* into the non-political events, like concerts and... This is what he suggested.

285 I am glad to say, I can see his head shaking, that that is not what he meant.

Hon. Chief Minister: No Mr Speaker, except what we are celebrating is a political event to a great extent, because we are celebrating the referendum, etc. That is what National Day started as.

290 But I think you will find that this is not going to be us trying to force politics down anybody's throat on that day. There are, of course, civic events – most of them which originated after 1996 – which will be kept as part of the recasting of the whole thing. At Casemates, when we reintroduce the rally, there will be a political element to that, which is the focal point for many of us on that day.

295 But, as I said to him, I think this is an issue again that if it is possible, we should be discussing outside the confines of Question Time, because this is a day for *all* of Gibraltar and it must be seen as a day for all of Gibraltar. I know that there are very many people who would be very happy to hear that National Day is coming home to Casemates. That is one part of it – not all of it.

300

**Chief Minister's proposed changes
Consultation with the House**

Clerk: Question 98, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether he intends to consult the House and in particular the Opposition Members of it, in relation to the changes that he has said he will introduce soon?

Clerk: Answer, the Hon. the Chief Minister.

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

315

Hon. P R Caruana: So, implicit in that, although we recognise that, by their majority, they can change, effectively, whatever they decide, but it is implicit in that that there will be no unilateral or bilateral Speaker-to-Leader of the House changes simply announced to us, the Opposition will get an opportunity to participate through an expression of views, through consultation, in all the restructuring that we are going to do?

Hon. Chief Minister: Yes.

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Hon. P R Caruana: I am much obliged.

Hon. Chief Minister: There will be two veins of these changes: one vein will be the independent commission which we are setting up, which will be subject of the difference between us at the time of the motion. That is looking at the long-term changes that might be desirable in this Parliament.

325

The other vein and other things that we think are important, and we think are deliverable, even absent that sort of investigation of how things should change... The hon. Gentleman will know that I have said that we will now have monthly meetings of the House, as he and I have been discussing – and he knows I have discussed with the Speaker – that means that we will be using the Government majority to adjourn the House *sine die* on a monthly basis and bring it back administratively, as I am entitled to do, on a monthly basis. So there will be monthly question Times and there will be a monthly opportunity for motions. That really was the substance of our debate at the time of the motion, that those things could be done.

330

There is one thing that has happened during the run-up to this meeting which I think, really, was very much in our gift and would have been in his gift, which was simply to say, to give an indication to the general public and to the Members opposite, of when Parliament was going to sit, when we were going to adjourn to, when it was likely – because it really cannot be more than that, unless we put Parliament into some strictures – that certain questions were going to be dealt with. That has happened because I have no difficulty in giving the Clerk an indication of when I expect to rise, and when we expect to come back and I hope that will have the effect of making Members' lives easier in planning their diaries and the general public who might have an interest in this place, who might have an interest in particular questions, in planning when they need to be here or when they need to have their radios on to hear a particular set of questions.

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I do not think it is going to be possible for us to have as clear a timetable as perhaps is the case in other

places, where they know when certain questions are going to be asked, unless those questions are going to be the ones at the beginning of a session. But that was really in the gift of the Leader of the House, the hon. Gentleman could have done it at any time during the 16 years that he was here, and the previous Chief Minister could have done in that way.

345 I still believe that it is possible to do a lot more that there is more broad agreement on, without waiting for the independent commission to report on the things which may be more controversial across the floor of the House and outside of this place. Certainly, it would not be my intention to try and force those things through, even with the Government majority, if there was a great measure of disagreement on the other side, because I think, in this place, we must not just be bulldozing things through, 10-7. I think that it is important that, unless we have a series disagreement about the benefit of something to the community, we should try and do this by consensus.

350 The issue of cameras, for example, is one that would not be able to happen simply with a conversation between myself and the Speaker, although we could then turn that into a vote of this House which goes 10-7. That is the sort of thing that I think we need to be talking about, because it is easy to say, 'Let us transmit and let us broadcast' – *(Interjection by Mr Caruana)* It is easy to say, 'Let us transmit and let us broadcast', but that could take many different forms. What does 'broadcast' mean these days? Does it mean television on the airwaves? Does it mean internet? Does that make it more accessible to people because most people during their working day would be accessing the view of Parliament from their PCs at work, rather than at home on television?

360 So are all of those issues, the hon. Gentleman can rest assured, we will be talking about. It will be, I hope, an inclusive process, and I hope he does not mind me revealing that we have discussed, just before this question, during the break, the possibility that Mr Speaker, the Leader of the Opposition and the Chief Minister will meet, given that there may be different ways of achieving the same effect that we intend to deliver, and that he may be contributing to that. So I am grateful for that indication from him earlier. I hope that we can do this as a Parliament, and not that there should be Government and Opposition debates on this. Of course, there are the independent commission issues which may be more controversial and which will come to the House, once the commission reports.

370

**Alliance Manifesto
Total cost of implementation**

375 **Clerk:** Question 99, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, given that the Chief Minister said, during the recent Election campaign, that the Alliance's manifesto was 'fully costed', will he now say what is the total cost of implementing all the commitments contained in that manifesto?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the costings we did before the Election are not the costings of the Government; they are the costings of the parties that sit on this side of the House.

385 The cost of each of the projects in our manifesto will be public and subject to all scrutiny as we commence them as a Government. Any such costings will, by then, be the result of open tenders for the projects.

Hon. P R Caruana: Mr Speaker, is he not willing to give me his costings?

390 **Hon. Chief Minister:** No, Mr Speaker, I am not.

Hon. P R Caruana: Well, Mr Speaker, I suggest to him that he is not willing to give them to me, because he does not have any because it was not a fully costed manifesto.

395 **Hon. Chief Minister:** Mr Speaker, that is not the case. In fact, costings are not mine, they are not of any individuals here. They are the costings of the party, as his costings are the costings of *his* party.

400 The position is a little bit more complicated than just wanting to share with him what these costings might be, Mr Speaker, because of course, he will understand – and he has deployed this argument with us in the past and I believe we have accepted it, almost without exception – when one delivers information like that across the floor of the House and we are going to go to open tender process for many of these projects, we are giving away what we think something might cost.

405 Mr Speaker, I do not think that is in the public interest that we should do that. He should rest assured that he is wrong in his assertion. I am sure he makes that mischievously. We know exactly what the cost of delivering our manifesto is, in our estimation. It may be that we can deliver it for less, as a result of the open tendering procedures, or it may be that it is going to cost a little more. Those are issues which he can quiz us on once those projects come on stream, and they are public. You will have the opportunity of asking us then, ‘Is that what you thought it would cost? Did it come in higher or lower?’

Hon. P R Caruana: With respect to the hon. Member, that is completely nonsense.

410 I am not asking the hon. Member to identify the cost of each project individually. I am asking him to give me one global figure – £400 million, £500 million, £600 million? To say that the entire manifesto will cost £500 million to implement does not help any tenderer when it comes to tendering for building the lake in the Commonwealth Parade! So that whole reasoning is neither here nor there.

415 The hon. Member knows that, in our *conservative* estimation, the cost of implementing his manifesto is between £400 million and £500 million – £400 million, excluding – although this did not come out in the Election campaign – the halving of the national debt.

420 Mr Speaker, he has what he says was a fully costed manifesto. He says he will not tell me now, because he is now Government and not the party and he is not in the House to answer for the party, he is in the House to answer for the Government. When we were going head-to-head, party to party, in the Leaders’ debate, I asked him what was the cost of his fully costed manifesto, he would not tell me then, either.

425 The hon. Member should then not be surprised that people come to the conclusion, when he does not tell me when we were parties and he does not tell me now that we are Government and Opposition, people will come to the conclusion... Does he not accept that he runs a grave risk that people will come to the conclusion that he does not say, because he does not have a clue – which is my view.

Hon. Chief Minister: Well, Mr Speaker, you see, he did not tell us what the cost of *his* manifesto was when he was competing with us in the General Election campaign.

Hon. P R Caruana: You never asked.

430 **Hon. Chief Minister:** It became abundantly clear, I think, to the whole of Gibraltar, and certainly to me on 9th December, that I was absolutely right when I was going round the estates, saying that there is only one way to fund it, in the hon. Gentleman’s imagination – D-E-B-T – debt. That is what he was going to do, in order to deliver – take us down the road of more debt.

435 Mr Speaker, the hon. Gentleman can press me as much as he likes. He is going to get the same answer from me on this issue and it does not take people to the conclusion to which it takes him, which is always the most negative and the most perfidious.

440 **Hon. P R Caruana:** Mr Speaker, I was illustrating that the hon. Member’s commitment to all this transparency of statistics and information is tempered by one overriding consideration, which is nothing to do with a commitment to transparency: it is transparency, so long as it does not suit him not to put the information transparently in the public domain.

445 **Hon. Chief Minister:** Mr Speaker, this is neither a request for a statistic or information. This is a clear partisan attempt to try and curry some favour with those few supporters that he may have left.

Mr Speaker, I am going to leave it at that . It is up to him whether he wants to come back. Let him come back.

450 **Hon. P R Caruana:** Mr Speaker, I do not know how many supporters he thinks I have left. But can I just remind him of what he used to remind me – notwithstanding that I had a bigger majority than him – that he has won this Election by fewer than 400 votes, and that, just to use the calculation that he used to use, that

requires only 240-odd people to have decided to vote differently for me to be sitting on that side and him to be here where I believe he belongs.

455 The hon. Member is in grave risk of losing that very slender majority, if he is going to go around behaving as if he was a Chief Minister who had been swept into office with a landslide majority, telling the Opposition that has got just 380 votes less than him that he only has a handful of voters left. My advice to him is that he does not go down that well, because a majority of 240 is very easily lost – indeed, he may have lost it this morning, just on the basis of the Minister for Employment’s answers to our Questions on the Employment Strategy.

460 **Mr Speaker:** May I remind the Leader of the Opposition, there was no question in that statement. We really must confine ourselves to questions. (*Interjections*)

465 **Hon. Chief Minister:** Yes, Mr Speaker. I really am obliged, Mr Speaker. They need to be short and contain questions. (*Interjections*)

Mr Speaker: Order!

470 **Hon. Chief Minister:** Mr Speaker, this is one debate I am delighted to have, Mr Speaker. Perhaps rightly, when I said to him after the last General Election, when he saw his voting majority reduced or the percentage by which he won the Election reduced, I said to him, Mr Speaker, the Chief Minister and his party ‘got in by a whisker’ and he said to me, Mr Speaker, ‘That whisker is irrelevant. We are the Government and you must stop arguing these things or you do not have a chance of winning the next General Election.’

Well, Mr Speaker, I carried on. He was wrong about that and he is wrong about this.

475

**Government procurement policy
Subject to open tender**

480 **Clerk:** Question 100, the Hon. P R Caruana.

Hon. P R Caruana: I said that is not a view widely shared in Gibraltar. (*Interjection by the Chief Minister*)

485 Mr Speaker, can the Chief Minister say whether it is the policy of the Government that all procurement of goods and services by the Government should be subject to an open tender process?

Clerk: Answer, the Hon. the Chief Minister.

490 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, subject only to the caveat that there may be cases where the public interest requires that the product or service subject to procurement rules may *have* to be procured directly as a result of urgency or other exigency. The rule will be open tender process.

495 **Hon. P R Caruana:** Mr Speaker, that was the previous Government’s policy. It did not stop him from criticising those few cases in which public interest and exigency or urgency dictated otherwise. We used to put it in a slightly different way: exceptional circumstances.

So, the hon. Member’s policy is that a tender, yes, unless *they* decide that there is a good reason not to do it.

500 **Hon. Chief Minister:** Mr Speaker, I think that is the policy of most governments – in other words, tender yes, unless there is, in the public interest, an urgency or other exigency which requires it.

The hon. Gentleman is putting his question, in my view, as if to suggest that we will find a way out of going to tender when it is not in our interest, as if that were in some way nefarious. He needs to accept that we are the Government of Gibraltar and we will only be taking items out of procurement by tender if it is in the public interest.

505 Now, he knows that I have taken him to task on this issue in the past, in circumstances which were not

about urgency or exigency, as I read it. The term ‘exceptional circumstances’ could mean something different.

510 Mr Speaker, I do not share the view that some of the things that were done by *his* Government had to be done outside open tender procurement, and I believe that they were done outside tender procurement for reasons other than in the public interest. That is a debate that he and I, I am sure, can have until the cows come home.

515 We have not yet procured anything, in my understanding, outside of the open tender mechanism. When we do, he will be entitled to come here and say, ‘Why did you do it in this instance? Was it a case of urgency? Was it a case of exigency and can you satisfy me of that?’ That is what his role is as Leader of the Opposition – but he has got to let us at least start procuring!

520 **Hon. P R Caruana:** Mr Speaker, alright, let us deal with the first one. What was the exigency that caused them, as we heard this morning, in answer to a Question on the smoke extractor system... what was the exigency in the public interest that led the Government not to go to tender on a relatively standard piece of equipment as smoke extractors?

525 **Hon. Chief Minister:** Mr Speaker, I am sure that he will reconsider, when he sits down, having asked that question because, of course for us, it *is* an exigency that there should be members of the City Fire Brigade – and perhaps the Shadow Minister will share this view – who are suffering with these fumes in the fire station, having been promised an extractor some time ago, because of the Health and Safety need for such an extractor and, where there are only two producers of this type of extractor, to have gone straight to the producers in order to get the best costings available.

530 Now, Mr Speaker, in my view that makes absolute sense. If there are people who could be inhaling this smoke for longer, from the day that we take over in Government, we want to stop that as soon as possible. That, in my view, is urgent and it is an exigency.

535 **Hon. P R Caruana:** So, the word ‘exigency’ is even wider than ‘exceptional’, then. Because, frankly, Mr Speaker, look – first of all, it is very arguable that anybody is inhaling anything. Secondly, it is very arguable that there are only two companies in the world that make these extractors – I do not know whether these are NASA space-rocket-type extractors or whether they are just... I suppose every fire station in the world, we are led to believe, must have them, if what he says is true.

540 But, in any case, given that this has been the case for 50 or 60 years, does the hon. Member think that it is actually urgent to override the public tender system to do it in six days? This is what I mean by the concept of exigency being very subjective. So what it really boils down to, does he not agree, is that the hon. Members go to tender when they want to do and do not go to tender whenever *they* think there is any sort of reason that justifies not going to tender. I do not think anybody could argue that it is *urgent* – would he agree with me – to correct in six weeks what has prevailed for 60 years?

545 **Hon. Chief Minister:** Mr Speaker, I do disagree with him. I think there are some things which have prevailed which it is urgent that we should resolve.

550 The Hon. Minister with responsibility for the Fire Brigade reminds me that all that has happened is that the Chief Fire Officer is in communication with the two producers. They have not yet been *procured* from anyone. We are seeking information about this and it may be that it is possible to go through the tender process for the procurement. (*Interjection by Mr Caruana*) Mr Speaker, therefore the question is based on a false premise. (*Interjection by Mr Caruana*)

555 I must tell him, Mr Speaker, that I do not believe that there were exceptional circumstances of *any description* which could have led to the entry into agreements for consultancy services with one particular company that he and I have debated, in respect of that agreement, across the floor of the House, and that we have a serious difference of opinion on that and that that costs Gibraltar *a very large amount of money*.

Mr Speaker, that is an issue which is worth debating and I am happy to debate it with him, if he wants, but to take this point now, when this Government has not yet procured anything, suggests to me, Mr Speaker, that the hon. Gentleman is not feeling sufficiently comfortable in his own skin, in his capacity as Leader of the Opposition, and that he thinks he is still the person who is in charge of procurement.

560 **Hon. P R Caruana:** The hon. Member must know that I do not ask the question on a false premise unless the Hon. Mr Linares has made a false premise to the House. It is not a false premise. It is based on the premise

that the Hon. Mr Linares said in the House this morning, in answer to another Question, that they would *not* be going to tender because there are only two manufacturers.

565 So now I ask a supplementary: on the assumption that we are not going to tender for this, because your Minister told the House this morning that we were not going to tender and gave us the reason, and you say now that it is a false premise because they have... Well, I am delighted if, as a result of our debate now the Hon. Mr Linares' Answer is no longer valid. So, despite Mr Linares having said this morning that they would not be going out to tender, for that pretty unconvincing reason, the position now is that you might well be going out to tender, which we think is the correct thing to do.

570 Mr Speaker, the hon. Member wants to persevere with this view that there was a procurement impropriety in the engagement of services –

Hon. Chief Minister: What is the question?

575 **Mr Speaker:** Next question please.

Hon. P R Caruana: I will ask a question. In respect of Gibraltar Land Reclamation Ltd, is the hon. Member aware that all Governments of Gibraltar have *always* procured – including the previous GSLP Government – consultancy design services on that basis, including from the heinous company in question? Is he aware of that?

580 **Hon. Chief Minister:** Mr Speaker, it is *he* that is suggesting that I am in any way characterising that company as 'heinous'. I am not doing that, Mr Speaker, because that company is not here in the House and it is not answerable to the House.

585 It is *he*, Mr Speaker, who was in this chair when those agreements were done. He is not here to answer my questions, so it will be a rhetorical one, but is it that he did not know that the procurement rules and the procurement laws changed in January 1996, in order to give compliance to the first tranche of directives on public procurement and that those also affected services?

590 Mr Speaker, he may or may not like it, but I do not agree with him that there were *any* exceptional circumstances for his Government to enter into those agreements without going out to public procurement. That is the issue. It is not about the company: it is about *his* Government; it is about *his* actions.

Mr Speaker, as far as I am concerned, I am not imputing any improper motive. I am just talking about the *process* of procurement, which was not followed, which *in my view* was required by law after January 1996. Those are the issues, Mr Speaker.

595 If he gets up, Mr Speaker, he should get up to ask me a question and not give me a speech.

Hon. P R Caruana: Mr Speaker, I will answer his rhetorical question and I will... I know that it does not suit the hon. Member for me to populate my questions with information which he cannot grasp and cannot deal with and cannot...

600 Is the hon. Member now suggesting to this House and to Gibraltar at large that all his campaign about the Government's contractual relationship with the Gibraltar Land Reclamation Company and its directors and all its people was not to suggest that there had been... If all that he was complaining about was an alleged breach of EU tendering rules and was not, as is his style, suggesting impropriety, why, in his pre-Election manifesto to the Civil Service, did he put in brackets 'a relation of a Minister'? If he was not suggesting corruption, why tell civil servants in his manifesto that, to boot, the person was a relation of the Minister – because that is not relevant to whether there is a breach of EU directives or not which, as he well knows, we do not believe that there was.

Hon. Chief Minister: Mr Speaker, we are entitled in this House to demand that.

610 **Hon. P R Caruana:** Exactly.

615 **Mr Speaker:** The remark made by the Hon. Leader of the Opposition *was* a question – he did style it as a question – but I must remind the Leader of the Opposition that the questions must be brief. They can be preceded by a *brief* preamble but the questions must be brief. We have spent a whole day dealing with less than 100 Questions. In the past we have dealt with a hundred Questions in a matter of a couple of hours.

Hon. P R Caruana: Yes, Mr Speaker, because in the past the Questions were all statistical, they did not have any supplementaries, and now we are asking political Questions.

620 **Hon. Chief Minister:** Mr Speaker, I am going to give him a political retort to the things he said. The people on this side of the House can grasp the information, and I am sure the people on that side of the House can grasp the information, because this is not a parliament where we come to say that each of us are not able to grasp information.

625 Mr Speaker, if he wants to get up and talk about corruption, he is the one getting up to talk about corruption. We have got parliamentary privilege. We can talk about corruption if we want to, but that word is in *his* mouth, not in mine. He is the one casting aspersions, not me.

630 I am saying that when he was in this chair, when he was Chief Minister, *he* – not anybody else, *he* – did not follow the procurement laws of Gibraltar and the directives that are relevant. That is all I am saying. If he wants to elevate the issue further, it is a matter for him. Let him stand up; let him ask a question. That is the role the people of Gibraltar have chosen for him: to ask questions, not give speeches. *That* was over on 8th December. (*Applause*)

Mr Speaker: The Hon. Daniel Feetham.

635 **Hon. D A Feetham:** Can the Hon. the Chief Minister enlighten this House as to whether the Government has procured any alternative energy hybrid vehicles, directly and not by tender, because it has been reported in the press that you have done so.

640 **Hon. Chief Minister:** Mr Speaker, the answer is no. The only thing that has happened, if the hon. Gentleman looks at the press release... I do not know what the press has said, but what the press release said was that we had procured a test vehicle of one particular type of model. A test vehicle means, Mr Speaker, that the showroom gives you the car. It is like a test drive. So we have procured nothing that has cost the people of Gibraltar nothing.

645 All we have done is start the process – a process that you would have thought *any* Government would have wanted to start earlier – of testing different types of vehicles. That will help us to set the criteria when we go out to tender, to understand exactly what it is that is best in the circumstances of Gibraltar, what it is that is best for our community, how we can lead by example as a Government on all issues of renewable energy, *including* the vehicles that are used as part of the Government fleet.

650 It may be, Mr Speaker, that at the end of that exercise we will have to say there are no vehicles which are suitable for Gibraltar because of its topography, and it may be, Mr Speaker, that if the hon. gentlemen opposite, when they were here, had done that, they would not be open to criticism for not having done so. You see, you must not just put your finger in the air and say, ‘This car works for Gibraltar, that car does not work in Gibraltar,’ or ‘We don’t need to go down that road for Gibraltar.’ You need to ensure that you are doing as much as possible.

655 The short answer, Mr Speaker, is we have not procured *anything* in respect of such vehicles outside the tender process. All we have is that we have very kindly been provided with a test vehicle of one particular model and we are seeking other test vehicles of other models from other dealers, some of them in Gibraltar, some of them outside, which other dealers in Gibraltar may be interested in bringing in in the future if they are the right vehicle for Gibraltar.

660 **Hon. D A Feetham:** Can the Hon. the Chief Minister confirm this is the Toyota Prius? Can he confirm when he was provided with this car free of charge and when is he going to, effectively, give the car back to the garage?

665 **Hon. Chief Minister:** Mr Speaker, I cannot give that information because I have not been provided with the car. It is the Technical Services Department of the Government that has reached an arrangement with one particular dealership and they will have set out how long they need it for in order to test it. It may be that the car has already gone back; it may be that we still have it. They are doing the exercise of understanding whether that particular vehicle works in the topography of Gibraltar.

670 I actually have not seen the vehicle and not been in it, but the hon. Gentleman will, I am sure, be delighted

to know that when I go to the United Kingdom I use a company that uses Toyota Priuses to ferry people from the airport to the centre of London. It costs almost half because, obviously, the vehicle uses much less petrol when it goes on the M25. I commend it to him. I am delighted to give him the details if he is interested.

675 I am very keen that the Government should also use those vehicles if it makes sense in the UK. It may be that it does not, and again it will be something that will have to be investigated.

680 We are not for making decisions just for the sake of making decisions. This is an important issue. If Gibraltar can be more compliant... If Gibraltar can procure a fleet of Government vehicles that is better for the environment, what is wrong with that and what is wrong with starting the investigation at no cost to the Government? Absolutely nothing, I am sure the hon. Gentleman will say.

Hon. D A Feetham: I agree entirely. I am not questioning the motive. I am not questioning whether it is an environmentally friendly policy or whether it is not. That is not the point. The point was that it was reported in the press that the hon. Gentleman acquired a Toyota Prius. There is an article here in the *Newsweek Magazine*. I have got it here. I was just wondering whether that had been procured by direct allocation. The hon. Gentleman has explained it.

685 Can I ask him this: will this tender policy also apply in relation to these foreign investors that the hon. Gentleman confirmed at the interview with GBC that he had up his sleeve, and that he has confirmed during the course of today's session that he is in negotiations with – is it going to apply also to them?

690 **Hon. Chief Minister:** Mr Speaker, if they are going to provide services to the Government and they are going to obtain land from the Government, of course it must mean that we are going to be in a process which is going to be open and fair and is going to allow different approaches to prosper but, of course, give people an opportunity genuinely to compete for those projects.

695 **Hon. D A Feetham:** That does not necessarily follow at all. May I urge the Hon. the Chief Minister to reconsider that?

700 Is it not the case that if you had a situation... and I am just exploring here the parameters of their policy in relation to this tender policy. Is it not the case that if you have a situation where you are in negotiations with foreign investors who come to the Government with an excellent idea to do something in Gibraltar, it would be wrong – having those investors come up with that idea – to then say, 'Hang on a minute, it's your idea; yes, we're interested, but we are also going to put it to tender and allow others to compete on your idea.' I do not know: is that the policy of the Government?

705 **Hon. Chief Minister:** Mr Speaker, I do not see the conflict. I really do not see the conflict.

I think if there are people who are international investors who are interested in coming to Gibraltar, they do not necessarily come and talk to you to say, 'I want to be the person that provides you with this particular service, to the exclusion of everyone else.' That is not the type of international investor that I am talking to. There could be a circumstance where an investment requires the use of land in Gibraltar for a particular new industry, and it may be that, in those circumstances, the Government makes a decision to make an allocation of land to open a new industry that creates employment.

710 In our view, because we would not be procuring services and we would not be buying property or goods from that entity, that is not an issue that would be covered by the procurement directives. Making a direct allocation of a plot of land in the public interest of Gibraltar, in the economic interests of Gibraltar, to create employment etc, is not something that is covered by the procurement directives that we are talking about. We are talking about the Government procuring, i.e. the Government *buying* services or goods. That is what we are talking about. That will always go out to open tender, unless in the situation we have been very clear there have been cases of urgency or exigency which are going to force us in a particular direction.

715 The hon. Gentleman will know – and I do not want to say much more than that, because actually I was supposed to be meeting them an hour ago, and I have to meet them a bit later – that there were people who were talking to *him* about things which are good for Gibraltar, which we all agree were good for Gibraltar, that he was not able to talk about because of certain constraints imposed by the type of group that we are talking about, where there might be an allocation of land that would result in something positive for Gibraltar and the creation of jobs. If the hon. Gentleman looks at my lips, I will tell him what it is... Right.

720 So, in those circumstances – a particular chain of hotels, for example – where you are talking about an allocation of land, if the allocation of land results in great economic activity for Gibraltar, the creation of

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jobs... The hon. Members opposite had taken the view that there would be an allocation.

730 That is not procurement, and this Question, Mr Speaker, is about procurement of goods and services by the Government, and that is why our Answer is absolutely clear on the issue. Procurement of goods and services, in our view, under Gibraltar law already – and under EU directives that we have taken a view would have been directly effective in Gibraltar because their transposition dates have passed – *must* be subject to an open tender procedure and, depending on their cost, they sometimes even have to be European tenders. This Question is about procurement of goods and services, not about allocation of land.

735 **Hon. P R Caruana:** In any event, I am interested in the hon. Member's answer, which suggests that he has the same policy as us but, in terms of the other sort of tendering, for the making available, the selling, the alienation of Government land, he is, in effect, continuing the previous Government's policy whereby, if a property developer came to the Government with a proposal which the Government judged was, exceptionally, in the economic interests of Gibraltar, he considers that his Government is free – as I think it should be, and we felt we were free – to make a direct allocation, as we have already agreed to do with the
740 very important hotel chain and the investors behind it that he has alluded to for the site of the – it's no secret – yacht club. That is good.

When we exercised the same judgement in favour of the Mid Town development, the hon. Members will recall the fuss that particularly Dr Garcia made about it, that the propriety or impropriety of such a policy cannot depend on the different judgements across the floor of the House of whether it is interesting, it is a
745 good deal or not – that judgement is for the Government. The hon. Member will enjoy the Opposition's support for a policy that acknowledges you cannot expose inward investors to the lottery of a tender process for a project that is very good for Gibraltar.

Would he, however – and this is the supplementary attached to my very long speech – commit to making a public statement immediately that any such commitment is entered into and which has been exempt from the
750 usual thing, which is that you sell, you alienate Government lands through a sale tender process.

Hon. Chief Minister: Mr Speaker, subject to the fact that we do not agree that the Mid Town project was that sort of project, and that is our position – we never suggested that it was 'improper', because those words
755 have connotations – we believe, Mr Speaker, that that, as a project, should have gone out to tender because to give to a local developing consortium a local piece of land is not to alienate a piece of land in Gibraltar for the purpose of attracting inward investment which will be positive for Gibraltar.

It is not to say that international investors are going to enjoy a better regime than national investors when they come up with the right projects, and it may be, Mr Speaker, that the Westminster model of Government and Opposition means that the Opposition is always going to question whether the Government considers that
760 there are exceptional circumstances in a particular instance. We do not think Mid Town was that sort of thing.

Mr Speaker, I think it is almost conjunctive that if we have made a decision to grant a parcel of land to an investor, international or national, because of what he, she or it are going to do there is in the economic interests of Gibraltar, we will be chomping at the bit to make the public statement, and he has my
765 commitment that I certainly will be looking to make a public statement immediately – and that is an elastic term – as soon as possible after making such a decision, perhaps even before the documents have been signed, because if it is in the public interest of Gibraltar, we will want everyone to know.

Hon. P R Caruana: Mr Speaker, will the hon. Member acknowledge that the project that we are both
770 talking about and we are not identifying is exceptional and in the public interest and we have no professional or other connection with it? We had got to the point of agreeing and negotiating the structure of the transaction and the lawyers just did not deliver the documentation in time to be signed but, certainly, if the hon. Member has come to the conclusion, as we came, that that project is, indeed, exceptionally in the economic interest of Gibraltar, we will support any decision that the Government makes to do a direct
775 allocation of that land to those developers.

Hon. Chief Minister: Mr Speaker, this morning when I was indicating that if we took projects forward which had been started whilst they were in administration we would not be looking to take the credit for them, this is the project I was thinking of.

780 In other words, if it is completed, there will be a public statement that will say, in respect of negotiations commenced before our election, which we have brought to a head because of our election, this is happening

and it is happening in this plot and we have made the decision that this plot should be used for these purposes in these circumstances. The hon. Gentleman knows that that is not the only plot that is being discussed on that basis as a residue of things that were happening before the Election.

785 There are a number of others which could be used for one purpose or another and international investors had already indicated an interest in them and *his* Government was taking forward that interest and it may be that my Government reaches a conclusion in respect of those which will result in the grant of land to certain such investors, not just the ones I am *hoping* to see this evening to try and progress it and to try and get it to a stage where Gibraltar has the benefit of that sort of economic activity and the creation of employment.

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**Alleged unfairness under previous administration
Referred to Chief Minister and Ministers**

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Clerk: Question 101, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say what matters relating to unfairness suffered under the previous administration does he believe many people wish to see him and other ministerial colleagues on?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, there are so many such instances that it would take me days to go through the list.

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Suffice to say that I have come across cases of people who have never had letters replied to, having written repeatedly to Ministers on issues which caused them serious personal problems. These range from issues to do with immigration to housing and employment.

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Hon. P R Caruana: Mr Speaker, I suspect that the hon. Member will discover that what people call ‘unfairness suffered under the previous administration’ and he now calls ‘unfairness which caused them serious personal injury’ is simply not having got the decision that they wanted out of the system, which people quickly convert into a sense of personal grievance.

Anyway... so these relate to housing and immigration matters and things of that sort? Mr Speaker, I look forward to being able to ask him, in due course, how many of these he has been able to resolve.

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I am grateful to him.

Hon. Chief Minister: Mr Speaker, I have never referred to the hon. Gentleman inflicting serious personal *injury* on anyone. If I thought he had done that, I would be reporting him to the Police, I am not trying to sort it out myself.

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Of course, I accept that there are some people who think that they have been hard done by but, in fact, their grievance has no merit; but I think that there are people who feel they have been hard done by who have merit in their grievance. That may be an issue between us across the political divide. I am doing my best to resolve as many problems of as many people who need my help as is possible because I see that as one of my roles in politics.

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Hon. P R Caruana: As he has not seen them yet and, indeed, the statement was to tell them to be patient because he has not been able to get... As he has not seen them yet, he does not know whether they fall into the category of people who have been *genuinely* treated unfairly by the Government, as opposed to the complainer type. So this is a statement that he makes in his New Year broadcast on the *assumption* that there are people out there of this kind, aggrieved by the unfairness, but because he has not been able to see them yet he does not know whether that is true or not.

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Hon. Chief Minister: No, Mr Speaker, unfortunately, again, there are more things in heaven and earth than are thought of in his philosophies. I may have read their letters asking to see me and identified there the grievances which I think are genuine that they need to see me on.

835

**Alleged unfairness under previous administration
Link to promises made during Election campaign**

840 **Clerk:** Question 102, the Hon. P R Caruana.

Hon. P R Caruana: Can the Hon. the Chief Minister say whether he thinks it possible that the many people that he says want to see him and other ministerial colleagues about housing, employment and immigration matters is actually because he spent the Election campaign and much time before promising people to see them, solve their problem and give them what they wanted immediately on his being elected, if they voted for him?

Clerk: Answer: the Hon. the Chief Minister.

850 **Hon. Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I do hope so, as politicians are elected to serve people and resolve their problems, not to rule over them imperiously.

855 **Hon. P R Caruana:** Yes, Mr Speaker, but he misses the point of the Question, which is that the long queue of people clammering to get into him, which is not humanly possible for him to see all at once, are not because there is a great battalion of people out there who have been injuriously and unfairly treated by the previous administration, but if you go round Gibraltar for three months promising houses to everybody that asks for one, jobs for everybody that asks for one, immigration papers for everyone that asks for one, then when they deliver their part of the bargain, which is to vote for you, and you come into office, they all go clammering to cash in their chips, and that this is why he is inundated with people wanting to see him and not because there is a long list of people.

860 Mr Speaker, he was dealing with a long list of people *before* the Election. Do you remember when they used to come back here and tell us that, from their Opposition offices, people, constituents, used to go round this building along the pavement queuing to get in to tell them just how badly they had been treated by the GSD Government? So these queues must be generated by a different reason to what used to generate the queues before.

865 The question is whether the hon. Member thinks that it may be possible that these people who are wanting to see you and that you cannot fit... whose demands for timely meetings you cannot humanly satisfy, are actually the people who are responding to your invitations issued before the Election to do precisely that.

870 **Hon. Chief Minister:** Mr Speaker, first of all, there are many people who I have not even heard of, let alone met during the Election campaign, who now want to see me, who write to me and show me that they have serious grievances as a result of the way that they have been treated before the Election, so that cannot be true, Mr Speaker.

875 Whether before an election, during an election or after an election, in a great measure, that is what we are there for, Mr Speaker – to deal with the problems that the people of Gibraltar have – and perhaps the fact that he did not see himself in that way may mean that that is why I am seeing letters that have not been replied to from 2008, 2009, 2010 and 2011.

880 Mr Speaker, it is almost as if, in 2007, the hon. Gentleman had made a decision that he was not going to stand for election in 2011, because he has completely neglected some people, some people who I have not met during the General Election campaign and who therefore cannot be queuing outside my door because of anything I told them during the General Election campaign.

885 In fact, Mr Speaker, I am seeing a lot of people who saw *him* before the General Election campaign, who tell *me* that he promised them things and who tell *me* that he said that if he was elected he would deal with giving them a home. But, of course, Mr Speaker, he deployed another device during this General Election campaign to show that he was the incumbent, to not just go around promising people things but actually giving them things, and I think, Mr Speaker, that was the problem. They cashed in the chip before the vote, and that is why he is there and we are here.

890

**‘Paperless’ Government
Official policy**

895 **Clerk:** Question 103, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether it is the policy of the Government that the Government should go paperless?

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

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

905 **Hon. P R Caruana:** Mr Speaker, if the Government is to go paperless, can the hon. Member assure the House that there will be a system, and can he explain what that system will be, to ensure that, having gone paperless, which means that nothing is on papers in files, but presumably done by e-mail or something... Can the hon. Member say how he proposes to make good, in any *meaningful* way, his commitment to allow freedom of information, to allow people access to their files and to their papers and to everything, not just the 20-year rule – what is the 20-year rule going to be worth in 20 years’ time if there is not a paper in the Government? – and what will he be showing people if there is no paper in the Government? What system exists? I am sure some system must exist. What system exists and what system will he be implementing to ensure that his supposedly environmentally motivated decision to go paperless does not empty of real meaning his commitment to open, transparent Government, to production of information and to access to files, which then will not exist, of course.

915 **Hon. Chief Minister:** Mr Speaker, despite the apparent aggression with which it is delivered, I detect a humble asking of a Question in respect of a matter on which the hon. Gentleman does not know much. I do not call him a Luddite, but perhaps, generationally, I am better able to deal with issues such as this.

920 Mr Speaker, going paperless does not mean that there are no bits of paper at all. It means that you reduce the bits of paper as much as possible, because that is accepted by everybody else to be environmentally friendly. For that reason, Mr Speaker, we will be reducing the use of paper as much as possible. One of the things that we are doing, Mr Speaker, is that Members are getting only their Questions in printed form to come to that House so that when we are dealing with debates like this we have got a piece of paper, and they are receiving everybody else’s Questions and Answers, in order to be able to follow the debate, by e-mail.

925 Therefore, Mr Speaker, to answer his question – what will freedom of information require in terms of being paperless – it is very simple: when somebody makes a freedom of information request and we go back to the old files, which are on paper, it is very likely, if we are able to get the systems going, that we will simply scan those in and send them to those persons by e-mail, which is the way that it is done in the United Kingdom, you should know.

930 In the United Kingdom, the freedom of information mechanisms work on the basis that the first attempt to interact with the person who is seeking information is to ensure that they have got e-mail to try and send them the documentation in that way, and people can then see on their screens – on their iPads or any other devices that they use – the information, and there are now sophisticated programmes which allow you to even make notes in respect thereof. The same would apply in respect of the 20-year rule. He knows that, before the General Election, he was already looking at digitising the archive, which means that the archive... although 935 what was there in paper will be kept in paper, will also be kept in electronic form. It is almost nonsensical – but I will not say that it is that because I complain when he makes such allegations about things that we say – to suggest that it is not possible to do these things electronically... For years, newspapers have kept *their* records on microfiche rather than in hard copy, although a hard copy may exist in one library somewhere, which is the library of record.

940 So, Mr Speaker, there are many ways of doing this. I would have thought that this is something where we should be getting support from the hon. Gentleman and I will interpret his Question only as seeking information, despite the tone with which I detected it was delivered.

945 **Hon. P R Caruana:** Mr Speaker, I suggest the hon. Member limits himself to what is his statutory duty, which is to answer my questions, not to interpret my tone.

Mr Speaker, I do not know whether I am a Luddite or not. I do not even know whether being called a Luddite is being called a name, which he complains of when I call him one. I do not know whether being called a Luddite is being called a nasty name, which he always makes this fuss about when I call him... but I am not as sensitive as he is about these things.

950

Nor have I done anything such as he has attributed to me. I have not attempted to suggest (*Interjection*), let alone suggested, that it is not possible for the Government to go paperless. What I have asked him, and I would ask him again –

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Hon. Chief Minister: What is the premise of his question. He is not asking a question. He needs to ask questions.

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Hon. P R Caruana: Look, Mr Speaker, I do not know how long the Chair in this parliament is going to want to take instructions from one Member of the House from a sedentary position. He knows, Mr Speaker, that it is not for him... This is like a footballer who asks the referee to produce the red card. He should sit there quietly and when the Speaker wants to enforce the rules of Parliament, he will.

Mr Speaker: Order! Order! May we please get on with the question?

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Hon. P R Caruana: Yes, exactly, Mr Speaker – prompted by the Chief Minister, there is always an admonition.

970

The question that I have asked him is not to suggest that it is not possible. I have asked him what *system* he is going to put in place to ensure precisely that the paperless Government... and the first question was whether it was going to be paperless, and he said yes. He did not say, ‘No, the only element of paperlessness is that we are not getting copies of the Questions.’ He said that the Government was going to go paperless. ‘Paperless’ means without paper.

Hon. Chief Minister: It does not.

975

Hon. P R Caruana: ‘Paperless’ does not mean without paper, okay. Well, it means without paper to most people.

Hon. Chief Minister: It does not.

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Hon. P R Caruana: What I have asked him to do is to explain to this House what method, what technology, what system is going to be put in place to ensure that paperless Government does not mean unauditible, inaccessible, unverifiable, recordless Government?

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Hon. Chief Minister: Mr Speaker, there are many systems around the world that deliver that. ‘Paperless’ in the context of trying to deliver the use of less paper does not mean no paper.

Mr Speaker, Mr Luddite was a gentleman who destroyed a machine because he thought it was going to rid him and some of his colleagues of work. It is not an insult; it is a description. It is in the dictionary; it has a *meaning*. I am surprised the hon. Gentleman –

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Hon. P R Caruana: So is ‘bastard’. I do not think I can call him one.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman says that so is ‘bastard’. Of course ‘bastard’ is in the dictionary. It also has a meaning which is applied even in courts, describing what that name implies. In playgrounds and in people who speak as if they were in playgrounds, that word means something different. ‘Luddite’ in a place like this has the meaning that Mr Luddite bequeathed to those of us who speak the English language.

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Mr Speaker, there are many systems that can be used for this purpose. These are the things that we are looking at. Already we are making progress: e-mail is one of them. Frankly, how is it that we can have a row about something like this, Mr Speaker? One really is left to wonder whether there is the animus to have a parliamentary session which works like a parliamentary session should.

Mr Speaker, the hon. Gentleman, in my view – (*Interjection by Mr Caruana*) In giving him my Answer,

Mr Speaker, I want to say this to the hon. Gentleman. He spent a long time asking me a question. In most instances, when we look at *Hansard*, it will be visible for anyone who cares to consult it that today the questions have taken longer than the answers. Mr Speaker, the questions should be that: questions.

1005 **Hon. P R Caruana:** Mr Speaker, the reason why we are having a row about this is that the hon. Member not only does not answer my question; he invents the question that I have asked him and then answers not the question that I asked but the one that he manufactures and attributes to me. That is why, and it is his style. It is his... incorrigible waffler not in control of detailed style, which characterises him not just in this House but outside.

1010 I have not, for example, suggested to him that there is no system. I have asked him to explain to the Opposition, as we are entitled to ask, and I do not care whether he thinks it is a good question or a bad question, whether he approves of it or not. It is none of his business. (*Interjections*) His business is to answer it. I have asked him what system, of all the ones that he thinks exist... Given that he has already issued instructions for the Government to go paperless, he presumably has already chosen a system to allow non paper-based information to be stored in a retrievable fashion, in a collatable fashion by subject matter, to ensure that, for posterity, it can be protected and retrieved, and all I have done is ask him how he is going to do that, and then I got 'Luddite', and this, and motive and –

1020 **Hon. Chief Minister:** I got 'bastard'. I got 'bastard', Mr Speaker. 'Luddite' is not so bad.

Hon. P R Caruana: You did not get 'bastard'.

1025 **Hon. Chief Minister:** Well, I mean waffle, not in control of detail. Mr Speaker, come on! (*Interjection by Hon. P R Caruana*)

Mr Speaker: Order! Let's move on to the next Question.

Hon. Chief Minister: There are some things... [*Inaudible*], but one does not say out of politeness.

1030 **Mr Speaker:** Order!

Clerk: Question 104, the Hon. P R Caruana.

1035 **Hon. Chief Minister:** You didn't ask the Question.

Hon. P R Caruana: Yes, I did. I asked you what system you have chosen.

Hon. Chief Minister: You got carried away with yourself, as you usually do.

1040 **Hon. P R Caruana:** So he is not going to tell me what system he has chosen.

Hon. G H Licudi: No, the next Question has been called.

1045 **Hon. P R Caruana:** Exactly, so he is not going to tell me. That is what I have said.

Hon. Chief Minister: I have told him. We are going to have an e-mail system and scan the records.

1050 **Development of Gibraltar**
Modern, vibrant city

1055 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say what he thinks Gibraltar needs to make it a modern vibrant city?

Clerk: Answer, the Hon. the Chief Minister.

1060 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, four years at least of a GSLP Liberal Government! (*Laughter and applause*)

Hon. P R Caruana: Yes, and what does the GSLP Liberal Government intend to do during those four years, particularly to increase the modernity and the vibrancy of our city? (*Interjection by the Chief Minister*) I would have thought the Question was a reasonable Question. He has given the Answer that he has given and then he wonders why we end up in a row. He knows why we end up in a row.

1065 **Hon. Chief Minister:** Mr Speaker, all the things that are set out in the manifesto which saw us elected by the people of Gibraltar to become their Government on 9th December.

1070 **Hon. P R Caruana:** It is implicit that he does not believe that Gibraltar is a modern, vibrant city now, then?

Hon. Chief Minister: Mr Speaker, it is implicit that, as the proud Gibraltarian that I am, I see that this country could be going much further than it has in the past 16 years and that its modernity and its vibrancy have been constrained by the previous Government.

1075 **Hon. P R Caruana:** Mr Speaker, the hon. Member has not said that he wants to make Gibraltar a more modern and vibrant city; he has said that he wants to make it a modern and vibrant city, namely it is not a modern and vibrant city today. If he had said a more modern and vibrant city, then the answer that he has given might be apposite, but it is not apposite. I want to know whether he considers that Gibraltar today is not a modern and vibrant city and that it needs four years of GSLP Government to become one.

1080 **Hon. Chief Minister:** Mr Speaker, yes.

1085

**Changes to Constitution
An 'evolving document'**

1090 **Clerk:** Question 105, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say in what respect our Constitution is an evolving document, and can he say whether he intends to seek further changes to our Constitution?

1095 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, every constitution is an evolving document. Ours contains a Chapter on Fundamental Rights and as these evolve so will we need to update that Chapter.

1100 In political terms, if there are changes *de facto* in the way we operate in Gibraltar, we will seek to amend our Constitution, in partnership with the UK, to reflect those changes *de jure* in the letter of our Constitution.

Hon. P R Caruana: But, Mr Speaker, would this be evolving change to increase the level of self government, rather than to decrease it or neuter it?

1105 **Hon. Chief Minister:** Mr Speaker, I should trust that there will never be any difference between us across the floor of this House or anywhere else that might suggest to anyone that the evolution in our Constitution should actually be *devolution*. 'Evolution' means only one thing –

Hon. P R Caruana: In one direction of travel.

1110 **Hon. Chief Minister:** In one direction of travel, absolutely right.

Hon. P R Caruana: Good Mr Speaker, we can agree on that, if we have to, here.

1115 Does he agree that evolution means formal change to the document, that this is not a question of reinterpreting any part – you are reinterpreting what is in the document unilaterally – that what we mean is that if he can find a way of increasing our levels of self government he will try to get those reflected in the letter of the document called our Constitution?

Hon. Chief Minister: Mr Speaker, I believe that is exactly what my first Answer said. If it did not, I am delighted to confirm it to him.

1120

**Gibraltar Constitution
External reasons for change**

1125

Clerk: Question 106, the Hon. P R Caruana.

Hon. P R Caruana: Yes, and I see that the Clerk is moving me on at his speed. Alright. Mr Speaker, can I –

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The Speaker: Does the Hon. Leader of the Opposition want to...?

Hon. P R Caruana: No, I was in jest.

1135 Mr Speaker, can the Chief Minister say what reasons external to the relationship between us and the United Kingdom would justify or require changes to our Constitution?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, none that I can think of.

1140 My view is that nothing external to the relationship between the UK and us would justify or require changes to our Constitution. That is what I said in my New Year's message to the nation.

Hon. P R Caruana: Sorry, then I have misread it. Your message to the nation said:

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'... and we need to keep that evolution fluid and constant, never believing that it is a document set in stone that cannot be changed for reasons external to the relationship between us and the United Kingdom...'

– which means that it can be changed for reasons. 'Never believing that it cannot be changed' means believing that it can be.

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Hon. Chief Minister: No, Mr Speaker, I believe that what my message says is that it cannot be prevented from changing for reasons that are external to us.

Mr Speaker, there, what we are saying is Spain cannot stop us from going further if we and the United Kingdom are prepared to go further.

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Hon. P R Caruana: Oh, I see.

Hon. Chief Minister: That is what I believe that says, and I have read it 20 times to see whether it is possible of mischievous interpretation. I would invite the hon. Gentleman to agree with me that it is not, for reasons that are bigger than him and me.

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Hon. P R Caruana: That is a very helpful clarification. I agree with him.

Mr Speaker: The Hon. Daniel Feetham.

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Hon. D A Feetham: Yes, Mr Speaker. Can the hon. Gentleman, the Hon. the Chief Minister, tell this

House that, in the light of the previous statement that he made earlier on this afternoon – that we now enjoy the maximum level of self government short of independence, or which is compatible with British sovereignty – how does he envisage further constitutional evolution to grant us more self government in the light of that statement?

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Hon. Chief Minister: Mr Speaker, because constitutions are evolving documents and relationships are evolving, and it is possible that, for reasons neither known to him or me today, there can be changes which are positive to the people of Gibraltar.

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Frankly, if what he is trying to do is put me in the corner on this one, he needs to put his Gibraltar hat on, take off his GSD hat, and allow us to make that progress if it is possible, and not simply say, ‘You cannot reconcile your statement, so there is no way forward.’

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Of course there is a way forward, Mr Speaker. As my Government progresses and perhaps, Mr Speaker, when I am here for four, eight, 12, 16 or, heaven forbid, 20 years – and I would not want to be here for anywhere near that long – we will make progress in our relationship with the United Kingdom which we cannot envisage today. The world changes, things change and it is possible that the maximum possible level of self government today is not the maximum possible level of self government tomorrow.

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The Hon. the Chief Minister, in the ... The Hon. the Leader of the Opposition... (*Interjections*) Teething trouble – he must be giggling where he has gone! The Hon. the Leader of the Opposition (*Interjection*) said before, Mr Speaker –

Hon. D A Feetham: If he wants to change roles now...

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Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition said before that, despite what the Constitution says, the practice has developed that the United Kingdom does not make law for Gibraltar by Order in Council. There is a development, Mr Speaker, that we all bank, rightly, *de facto* and that one day we may be able to reflect *de jure*. There, Mr Speaker, is just one example.

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Hon. D A Feetham: Mr Speaker, I am not trying to catch the hon. Gentleman out at all. I am just trying to understand the Government’s policy on this.

The Government has said that its view is that we enjoy here in Gibraltar the maximum level of self government short of independence and compatibility with British sovereignty, and I was just trying to explore with the Hon. the Chief Minister what areas he envisaged might be ripe for further constitutional development in the light of that statement.

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So really, at this stage, the answer is that he does not envisage any further... Is that the answer, that he does not envisage, or he cannot come up with any areas for further constitutional development in the future, at this present moment in time?

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Hon. Chief Minister: No, Mr Speaker, that is not the position. I am not going to accept that the hon. Gentleman put words in my mouth. I have said what I have said, not necessarily what he said I have said.

The hon. Gentleman who has just come back in the Chamber will be delighted to know that he was called something much better than a Luddite a few moments ago when he was out of it!

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Hon. P R Caruana: By whom?

Hon. Chief Minister: By me.

Hon. P R Caruana: You think I should be Chief Minister?

1215

Hon. Chief Minister: No, I don’t think you should be. It was a Freudian slip.

Hon. P R Caruana: It was a dream. I miss all the better ones! My bladder has let me down!

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Hon. Chief Minister: Believe me, it was not a dream; it was a nightmare, Mr Speaker.

Mr Speaker, I have already come up with one example of a circumstance which might somehow one day develop and evolve into something that is reflected in... a new constitution and it is the example that the Hon.

1225 the Leader of the Opposition gave, which is that there has been developed a practice that the United Kingdom actually does not make law for Gibraltar by Order in Council – something that we all, of course, welcome, Mr Speaker – that may have consequences and, as time passes, that may become something that we reflect in some way in our Constitution. Of course, that is one example. What we cannot do is pretend to know everything that will happen and how things change.

Therefore, I believe that there are circumstances that could result in us wanting to change the Constitution, even though I have said what I have said, namely, that we have achieved the maximum possible level of self government.

1230 **Hon. P R Caruana:** Yes, Mr Speaker, the problem is – and perhaps this is what set the kite flying – that if in a New Year message, Gibraltar’s newly-elected Chief Minister says the things that he has said, it does make people think whether he has something in his mind that he is setting the scene for and my questions.

1235 I have no doubt my hon. colleagues were in the vein of trying to pick his brain to see whether he did have anything in mind, positive or negative, for Gibraltar in terms of this carefully constructed paragraph which followed immediately after the reference to Mr Liddington’s... to the... not Mr Liddington’s... to the Overseas Territory Review which had... Bellingham, the Minister of State, the Foreign Office for Overseas Territories, is conducting on a cross overseas territory-wide basis. It was the link.

1240 I was just trying to establish whether there was a link between those, or whether he was simply saying, which is the impression he has left me with this afternoon... whether he is simply saying that the fact that Spain would protest is not a reason for withholding further constitutional development for Gibraltar. If that is all that he is saying, fine, then there is no link of the sort or other implication.

1245 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman ever has that thought again in relation to issues like this, I would say to him I will take your phone call whenever you ring, and it is important that, if there are issues like that (*Interjection by Mr Caruana*) we should not... it depends what type of phone he is calling from. We should not necessarily –

Hon. P R Caruana: From my mobile.

1250 **Hon. Chief Minister:** – have to talk about them across the floor of the House because if I did have such a thought, it may be that it might have been useful for us to share it. I would call him if I had such a thought before putting it in a statement like this or he would have an indication from me otherwise.

1255 Mr Speaker, what was in my mind then and is in my mind now, and will always be in my mind, is that we had the 1969 constitution for 37 years and we were very often told that that was it and our constitution was never going to be up for renegotiation and it is important that nobody get the impression – and I thought that this would be an issue of common ground – that we accept that where we are is where we are and there is nowhere else to go because it may be that, across the floor of the House, we agree that there is somewhere to go in the future.

1260 In respect of the first Chapter, Mr Speaker, on fundamental rights and freedoms, there are fundamental human rights and freedoms, which are evolving. For example, there are rights for disabled people not to be discriminated against. We now face the possibility, as a result of international legal conventions, that we may be making laws to enshrine those rights and we may find ourselves, Mr Speaker, with certain fundamental rights set out in a constitution and others set out in a statutory provision, and we may agree, Mr Speaker, that it is important that all of those fundamental rights should be equated within the first Chapter of the constitution. There is one example that comes to mind of something that may be very easy for us to agree *inter se* and may be very easy for us to agree with the United Kingdom. There is provision, Mr Speaker, in the constitution for there to be changes to that Chapter for just those reasons.

1265 Hence, Mr Speaker, I believe I am reflecting what the constitution is, a living and, therefore, in our view, and I hope across the floor of the House, only in one direction and positively evolving document.

1270 **Hon. P R Caruana:** Yes, Mr Speaker, thank goodness we are not all Luddites on this side of the House as my very young and very un-Luddite colleague has been able to give me a copy of the Constitution.

1275 Does he acknowledge, nevertheless that, insofar as the European Convention of Human Rights is concerned – in other words, human rights that are recognised on an inter-government basis in Europe – there is no need to change the constitution to recognise them because the constitution already says precisely that –

that the constitution shall be deemed... I am just trying to get to that... that the... Yes, here it is:

1280 'That the decisions, amendments to the European Convention of Human Rights judges' decisions, declarations of advisory opinions, opinions of the European Commission of Human Rights, decisions of the Commission in connection with article...'

– that these are all effectively incorporated automatically into our constitution. So that is one of the things that we did, in the constitutional... [*Inaudible*] to avoid the constitution ever being out of sync with the European Convention of Human Rights. He is aware of that?

1285 **Hon. Chief Minister:** Mr Speaker, yes, that is what I was saying in my previous answer. That is why it is an evolving document and that is why that chapter can also be changed, but, Mr Speaker, there are some things that come to us not just from Europe. There is an International Convention on the Rights of Disabled People (*Interjection*) which is not necessarily covered by that.

1290 What I am saying, Mr Speaker, is that we may make a decision as a parliament, this is not a decision of the Government unilaterally, but we may make a decision as a parliament and as a political class to incorporate those things in the fundamental chapter and we should not close the door to that and I take it from what I am hearing on the other side that they agree.

1295 **Hon. D A Feetham:** We do not disagree with that, but would the hon. Gentleman agree with me that, in fact, that particular chapter has nothing to do with the levels of self government? It deals with human rights, not levels of self government in Gibraltar that you are talking about.

1300 **Hon. Chief Minister:** Mr Speaker, that is why I spoke before about the issue to do with levels of self government and then spoke about the issues to do with fundamental rights. He may not have been following and I commend the *Hansard* to him, where he will have seen that I was talking about the other matter previously. I should say with his current leader.

1305 **Adjournment motion**

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn to 10 o'clock tomorrow morning.

1310 **Mr Speaker:** I now propose a question, which is that this House do now adjourn until Friday 20 January 2012 at 10.00 a.m.

I now put the question, which is that this House do now adjourn until Friday 20th January 2012 at 10.00 a.m.

1315 Those in favour (**Members:** Aye.) Those against. Passed.
This House will now adjourn until Friday 20th January 2012 at 10.00 a.m.

The House adjourned at 7.28 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 11.50 a.m.

Gibraltar, Friday, 20th January 2012

The Gibraltar Parliament

The Parliament met at 10.00 a.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

Clerk: Sitting of Parliament, Friday, 20th January 2012.
Answers to questions continue.

5

DEPUTY CHIEF MINISTER

**Government ‘projects’
Definition for planning purposes**

10

Clerk: Question 76 of 2012, the Hon. S M Figueras.

15 **Hon. S M Figueras:** Yes, Mr Speaker.
Will the Minister with responsibility for planning define what the Government considers 'projects' in the context of the requirements that all Government projects will be subject to the planning process?

Clerk: Answer, the Hon. the Deputy Chief Minister.

20 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer together with Question 77.

25 **Government 'projects'**
Date subject to planning process

Clerk: Question 77.

30 **Hon. S M Figueras:** Mr Speaker, will the Minister with responsibility for planning confirm the date from which the Government expects all Government projects to be subject to the planning process?

Clerk: Answer, the Hon. the Deputy Chief Minister.

35 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the new Government at this stage intends to continue with the policy of the previous Government not to require the approval of the DPC. However, in line with our philosophy in this matter, Government intends to present all development and planning projects that would ordinarily require planning permission to the DPC for an opinion and for guidance. *(Interjection)* To the DPC, for opinion and for guidance. This will enable a wider input into the process and ensure consistency with the Commission's overall planning policy.

40 **Hon. S M Figueras:** Mr Speaker, in relation to the question of which projects it is intended eventually will be required to go to planning, can the Member confirm whether any discussion or consultation has been carried out in respect of which ones will eventually be required to go through that planning process?

45 **Hon. Deputy Chief Minister:** Mr Speaker, the Government has taken the view that we will not go to the DPC to ask for planning permission for any projects, but will present all projects for an opinion and for guidance from the DPC. So there is not, actually, a list of what will go and what will not. Everything will go to the DPC, except that it will not require planning permission.

50 **Hon. S M Figueras:** Mr Speaker, perhaps the Member can confirm whether it is the Government's intention to not proceed to make Government projects subject to the planning process during the term?

55 **Hon. Deputy Chief Minister:** Mr Speaker, this is too soon to determine. What I can say is that, at this stage, Government projects will not require the approval of the DPC, but we will go to them to seek an opinion and to seek guidance. This may change but, at this stage, that is the policy.

60 **Hon. S M Figueras:** This a rather surprising turn of events, in the light of the new Government's claim to this new era of openness and modernisation which, of course, is welcomed, certainly, by myself.

It is surprising to notice, is it not, Mr Speaker, the suggestion that all Government projects may – in the General Election that all Government projects *would* indeed go to Planning is now not something that is even scheduled or considered or expected to occur within the foreseeable future. Can the Minister confirm why it is that this apparent change of heart has occurred?

65 **Hon. Deputy Chief Minister:** No, Mr Speaker, but I am certainly happy to clarify the position.

I think the hon. Member may have been misled by reports, which I also read. The Government has actually never said in our policy commitments or manifesto that Government projects would be required to go to the DPC for approval. What we have done is say that we will present them to the DPC for opinion and for

70 guidance, but actually they never have taken the position that they would all go to the DPC for approval. That is the policy at this stage. This may change.

Hon. S M Figueras: So I see, Mr Speaker, that the projects will be put to the Planning Commission for an opinion, but regardless of what that opinion may be, Government will proceed with those projects. Is that correct?

75 **Hon. Deputy Chief Minister:** Mr Speaker, the Government will initially deal with the DPC, in the same way as the previous administration used to deal with the DPC. That is to say, there is no change of policy in this respect. We will present projects to the DPC for opinion and for guidance.

80 **Hon. S M Figueras:** Yes, indeed, Mr Speaker, we understand that that was a policy of the previous administration, but it was a policy for which the previous administration was criticised continuously by the previous Opposition and it is something that certainly that report was allayed to. It is surprising that there is now a change of heart, as it were, in the Government bench and I would be grateful for an explanation as to why that has come about.

85 **Hon. Deputy Chief Minister:** Mr Speaker, the policy of the Government has never been that our projects will go to the DPC. Therefore, there has been no change of heart.

90 **Hon. S M Figueras:** Mr Speaker, yes, indeed, in terms of clarification, the Government projects were put initially to the DPC, as the hon. Member himself has explained... was policy and this was something, failing to take it through the whole planning process... was something that was criticised by the previous Opposition, now the Government. (*Interjections*) I still, unfortunately, have not had an answer from the hon. Member in respect of...

95 **Mr Speaker:** Order! Order!

100 **Hon. Deputy Chief Minister:** I do not recall ever having criticised the previous administration for not having taken projects, or not having presented projects, to the DPC. In fact, my understanding is that they did present projects, up to four or five years ago and then this actually stopped. So it is something which I am now criticised for.

In any case, we are here to answer for our policy as a Government and the policy of the Government is that projects will go to the DPC for an opinion and for guidance.

105 **Hon. S M Figueras:** Mr Speaker, wary as I am of the discussion that was had yesterday in this House in respect of manifesto commitments and their suitability to be mentioned here, I do think it is relevant to mention that, within their manifesto, there is a commitment that Government projects will be subject to the planning process.

110 That is the source of my confusion on this matter and the reason why I am asking the question. Once again, I would ask why the change of heart?

Hon. Deputy Chief Minister: I think the hon. Member may have been misled by information which appeared in the press, contained...

115 **Hon. S M Figueras:** No, Mr Speaker, it was in the manifesto on page 45 of your manifesto.

Hon. Deputy Chief Minister: The policy of the Government is to submit projects to the DPC – that is not going to change what we are doing. It is a change in a sense that they did start doing it as well and then they stopped.

120 We intend to continue with the policy which they initiated, which is to present projects to the DPC for an opinion and for guidance. That may change, but that is the position at the moment.

Hon. P R Caruana: Mr Speaker, is the Hon. Dr Garcia saying that all the innate persistent sniping criticism that persisted about the previous Government's ignoring the DPC, doing its projects without... That

125 all of this had nothing whatsoever to do with the Opposition and actually they were content. It is now the position of the GSLP Liberal Alliance in government that they are content with the policy of the previous Government and the use of the DPC in relation to Government projects to the extent that they are minded to continue it and the Hon. Dr Garcia appears to be unaware of the content of his manifesto.

130 No, he cannot shake his head. The content of the manifesto has been read to him, Mr Speaker, he has said, no. The manifesto, on page 45, says:

‘Government projects will be subject to the planning process.’

135 The planning process is not a process whereby people submit projects to the DPC for their guidance and opinion, the planning process to which they are committed to submit Government projects is a process –

Hon. Chief Minister: Where is the question, Mr Speaker?

Hon. P R Caruana: – a process whereby projects –

140 **Hon. Chief Minister:** This is supposed to be Question Time, Mr Speaker.

Mr Speaker: Order! Order!

145 **Hon. P R Caruana:** – is a process whereby projects are submitted for their approval.

Will the Hon. Dr Garcia therefore concede that the position that he has set out today of a policy of continuing the previous GSD Government’s policy is, firstly, incompatible with the political use they made of this subject before the General Election and, secondly, an entire U-turn from what they put in their manifesto, on the basis of which people voted for them (**Members:** Hear, hear.) (*Applause*)

150 **Hon. Deputy Chief Minister:** Mr Speaker, the policy of the Government – the position of the Government – has not changed. We have said... what I have said is, the Government projects will be submitted to the DPC and they will be submitted for an opinion and for guidance *at this stage*.

155 There is a review of the town planning legislation going on at the moment. I do not want to predetermine the outcome of that review. That position may change. I have kept on saying, ‘at this stage’.

160 **Hon. P R Caruana:** Mr Speaker, the hon. Members have shown remarkable alacrity in applying those parts of their manifesto that do not cost money and which it is within their gift to employ immediately – 30 days, 60 days, 90 days, 6 days. Here is something that they can do immediately, at no cost, complying with their manifesto. They do not need to change the law; all they have to do is say to the DPC, ‘approve or disapprove of this project’ in accord... They can submit voluntarily to the planning process, they simply choose not to do so and it is yet a further resiling from their manifesto, all of which will be listed in due course by the people.

165 Does the hon. Member not see that what he has announced here today is *not* what the manifesto says. He *could* say, if he wanted – I will still say to him there is no reason for the delay – but he could say, yes, it is a manifesto commitment, we are not doing dealing with that commitment just yet, that is for some time in the future, but what he has said today is that this is not what his manifesto says and I want him to acknowledge at least, please, if he would, that what he has said today is not consistent (*Interjections*) with what his manifesto says.

170 **Mr Speaker:** Order! Order! The point has been made by the Chief Minister twice. There was a question in the last question that started off, ‘Is the Hon. Dr Garcia saying...’ so there was a question, albeit followed by a very long text.

175 **Hon. P R Caruana:** I beg your pardon, Mr Speaker.

Hon. Chief Minister: Mr Speaker, that is exactly it.

This is a parliament and it is Question Time and there are moments in Parliament when people can say what they like. It is not a question of trying to stop people from saying what they like, because people can

180 bring motions and they can say *whatever they like*. That is what they are paid for on that side and, to an extent, it is what we are paid for to do on this side. But at Question Time what they are paid to do... what their obligation is to the people of Gibraltar is to ask questions absent soliloquies.

Mr Speaker: Absolutely. I will listen to the Hon. Leader of the Opposition...

185 **Hon. P R Caruana:** The Hon. Mr Speaker has already said there is a question. Now, look, these questions could be briefer and fewer, if they would *answer* the question. The question is, even though he may wish to delay the implementation of the manifesto, will Dr Garcia concede that his manifesto *does* contain a commitment, as has been put to him and as he denied the first time it was put to him, to subject Government projects to the planning process? That is all. For the rest, he can implement his manifesto whenever he wants.

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Hon. Chief Minister: We are talking about the issue of questions, not –

Hon. Deputy Chief Minister: Mr Speaker, the policy of the Government is that the Government projects will not be submitted to the DPC, will not be submitted through the planning process at this stage. There is a review of town planning legislation.

195

Some of the commitments in our manifesto are specifically dated, other commitments in the manifesto are not specifically dated. What we will not allow the hon. Member to do, is to try and manage our manifesto.

Mr Speaker: Before the next question is put, I really must insist that questions *must* be questions, not speeches and if it is necessary to set the question in its proper context, only a short preamble is necessary.

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There are at least four lawyers on this side and we all know how to ask questions.

Hon. P R Caruana: Very well, in a very short form: regardless of when he intends to implement it, does the Hon. Dr Garcia acknowledge that his manifesto contains a commitment to subject Government projects to the planning process?

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Hon. Deputy Chief Minister: Mr Speaker, that is the wording in the manifesto. (*Laughter*) However, what the manifesto does *not* say is when that is going to happen.

210 Like I said before, some commitments are time dated with specific dates as to when it is going to happen and other commitments are not dated and do not have specific dates. My answer is at this stage – that is not the intention – there is a review of town planning legislation going on. When that finishes, then we will see what happens.

Hon. P R Caruana: Indeed, Mr Speaker. Will the hon. Member, very briefly, by way of question, therefore now concede that the first answer that he gave in this House, in answer to the Hon. Mr Figueras on that very question, was not correct when he said that that was not what his manifesto said?

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Hon. Deputy Chief Minister: Mr Speaker, I will read the first answer for the benefit of the Leader of the Opposition. The new Government at this stage intends to continue with the policy of the previous Government not to require the approval of the DPC. That is what it says, at this stage. That was the first answer.

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Hon. P R Caruana: Mr Speaker, with respect you see, they obfuscate and then they complain when it takes a long time to clarify and expose their obfuscation.

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Mr Speaker, I have not said the answer... his original answer to the original question... I have said, on the first occasion that he was asked by Mr Figueras to confirm what was in his manifesto. In answer to that, he said that that was not in his manifesto, not in his original answer, in a subsequent supplementary. Will he admit that, prior to clarifying it with me, he had told the Hon. Selwyn Figueras just three minutes earlier that his manifesto *did not* contain a commitment to subject Government projects to the planning process?

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Mr Speaker: Before the hon. Member answers, with respect, the purpose of Question Time is to elicit information, to urge a line of policy on the Government and so forth. The answer, which the Hon. Deputy Chief Minister has given, has been given, has been heard and understood by all of us. I do not see the purpose

235 of Question Time in Parliament as in any way similar to cross examination in court, where we, as lawyers, are intent upon beating confession out of the witness.

The answer has been given. With respect, the question has been posed in different language, but aimed at the same answer.

240 **Hon. P R Caruana:** Well, Mr Speaker, as has been the case for the last sixteen years in this Parliament, if Mr Speaker has decided that he wants Parliament, from the beginning of this parliamentary term, to be different from what it has been in the past, then let him say so and then we will all know what the new rules of the game are. He cannot suddenly, surely, start criticising behaviour which replicates what has always been the case and I am certain that Mr Speaker is not suggesting that Question Time is a sterile process, just because the previous Opposition converted it into one... that in the Westminster model of parliamentary democracy, Parliament is for the elucidation of sterile statistical information and not for the conduct of political activity.

245 This is a novel view of what Parliament is for, which is not the case in the United Kingdom and certainly has never been the case here, but if Mr Speaker rules that that is what this Parliament will be, he can be absolutely sure that I, for one, will comply with his ruling.

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Hon. Chief Minister: Mr Speaker, if I may, in relation to that point, the rules of the game have never changed. What has changed is that there is a commitment from this Government – and the hon. Gentleman is aware of it, as is the rest of the community – that there will be a monthly Question Time. Therefore, Mr Speaker, the need of the previous Opposition to set questions and supplementaries in context, which might have related to things that had happened months before the hon. Member opposite subjected himself to scrutiny on them, is no longer there and that is why I think it is absolutely right that you should take the attitude, which *Erskine May* suggests and urges upon you and which the Standing Orders and rules of this House have always required, that at Question Time we are there to elicit information, and information may be political information and need not be statistics and, in fact, Mr Speaker, the hon. Gentleman need only tell us what statistic they are interested in by asking us a question one month and if we believe that it is information which can be put into the public domain, we will ensure that it is put into the public domain every month thereafter for the whole of the community, Mr Speaker.

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You are right to insist that, at Question Time, the Opposition's role is to ask questions and the Government's responsibility is to give answers and, in my view, the only thing that is sterile is the hon. Gentleman's political discourse.

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Hon. P R Caruana: So, Mr Speaker, then he admits that there *is* a change. He thinks – he has just said so – he thinks, he is urging upon you a different attitude, because *he* says there is now a change in the nature of parliamentary business, because *he* has decided, in a way that has not yet been formally deployed or approved in this Parliament that, as there are now going to be monthly Question Times, this alters the nature of Question Time. So he is *confirming* my statement that there is a view that there should be a *change* in the nature of Question Time. Well, there is not yet before this Parliament any change in the nature of its business, so any change that might be justified to Question Time by any such reform, it certainly cannot be deployed, the change cannot be deployed, before the reform is deployed formally in this Parliament.

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Secondly, Mr Speaker, anyone who sat through the previous four years of Question Time and now hears the statement made by the hon. Member, never mind that he professes to be the champion of a vibrant and open and effective Parliament, relevant to what the people use that Parliament for... Never mind that he subscribes to that policy for political purposes, just anybody who compares the Opposition's inquisitorial approach, when they were in government, to Question Time – we used to spend an hour on some questions; 30, 25 supplementaries from all Members, who now compares that behaviour on their part to the attitude that he is now trying to deploy of clipping the wings of the Opposition, *curtailing* this Opposition's ability to do what *they* used to do. Why? Because he is not up to submitting himself to the same degree of scrutiny to which *he* subjected me. He demonstrated yesterday that he was not up to it and he thinks he can modify the practice of this Parliament to protect himself from his serial inability to grasp detail and to prepare for it to come and combat in this Parliament.

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Hon. Chief Minister: The hon. Gentleman needs to get used to the fact that he was the loser in the General Election. He is the one now who has been paid by the people of Gibraltar to ask questions, that his

290 capacity to pretend that he has a right from divine intervention to decide for himself what the procedures of this place should be, are absolutely only in his head, Mr Speaker.

You are the person who is entitled to determine how this Question Time proceeds. I am the person, because I am so charged by the people of Gibraltar, that has conduct of the timetable of this Parliament and I do not need to go through a parliamentary reform, to decide that I am going to bring my Government to this Parliament once a month to answer the questions that the Opposition rightly puts to us, because that is their role in a parliamentary democracy.

The extent of the questions, how long he can be on his feet, giving us these Hamlet-style soliloquies, that all of us are so bored of listening to and that this community has decided should *not* be the level of political debate to which we are all subjected, is a matter for you and not for him. (*Interjections*)

300 **Hon. P R Caruana:** In as much [*Inaudible*] ...now, as it was before. Mr Speaker, the Hon. Chief Minister is wrong. It is *not* in his power as Chief Minister to decide on the procedures of this House. The procedures of this House.

305 **Hon. G H Licudi:** There is a timetable. A timetable.

Hon. P R Caruana: ...And the order in which it conducts its business are set out in Standing Orders, which would have to be amended by this Parliament. That is something upon which we are all agreed.

310 What I am saying, is two things. First of all, there cannot be a change in the style of what Question Time in this Parliament is for and how it is conducted, without a decision of the Speaker, who has to, if he is going to change the style, say why he wants, or why he feels he is going to change it. Anyone who believes that what we were doing here yesterday and so far this morning, differs from what *they* used to do here during the last four and eight years, Mr Speaker, would not be telling the truth. The reality is that we are doing exactly the same – we may be doing it with more political effect, is a matter of opinion. That may or may not be the case, but we are using Question Time for the very purpose...

315 **Hon. Chief Minister:** Mr Speaker, point of order.

Hon. P R Caruana: No, I am sorry..

320 **Hon. Chief Minister:** I am sorry, Mr Speaker.

Mr Speaker: Order! Order!

325 **Hon. Chief Minister:** The hon. Gentleman needs to get used to the fact (*Interjections*) that he no longer has the last word in this place. Mr Speaker, these are the rules that applied to us as an Opposition and apply to *them* as an Opposition. Standing rule 17.1:

330 'The right to ask questions shall be governed by the following rules, as to the interpretation of which the Speaker shall be the sole judge. Not more than one subject shall be referred to in any one question and a question shall not be of excessive length.'

335 Mr Speaker, those were the rules that applied to us, they are the rules that apply to them. They applied to us in the context of a Chief Minister who, in some years, called no more than two or three meetings, depending on the year. Now this should be applied, Mr Speaker, of course in the factual context, to a Chief Minister who is going to call monthly meetings, however *you* consider is appropriate.

Mr Speaker: I will allow the Leader of the Opposition to finish what he was saying, then I will call the debate to an end by saying what I think.

340 **Hon. P R Caruana:** I was replying and I was interrupted.

Mr Speaker: I know.

Hon. P R Caruana: Alleging a point of order simply to repeat his argument and interrupt the exposition

of mine... which he is allowed to do.

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Mr Speaker: I will allow the hon. Member...

Hon. P R Caruana: Mr Speaker, we all know what Standing Order says. The debate is not on the basis of what the Standing Order says, this debate is on the basis that, notwithstanding what Standing Order says, the Gibraltar Parliament has never functioned in that way. If the way the Parliament is going to function is going to suddenly change, coinciding with them moving from the Opposition benches to the Government benches, that is something that has to be noted and specified by the chair, by you, Mr Speaker.

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You have got to say that, notwithstanding that this had been so in the past, in the future it is going to be different for this, that, or the other reason. If any such reasoning depends on a change in the parliamentary timetable, or a change in the way Parliament conducts its business, or a change in the number of Question Times, then that change, in my opinion, should not be implemented until those changes, in turn, until those agenda changes, have, in turn, been formally adopted in this Parliament.

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That is the view from the Opposition benches and there are plenty of political points that, as we are discussing with you on a point of order, I will not add the many political dimensions that I could to this technical – (*Interjection*)

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Mr Speaker: First of all, it is not for me to engage in debate with any Member of this House. I am to serve in this House, my job is to apply the rules to the best of my ability and my understanding. Let me assure every Member of this House I am applying the same Standing Orders which were approved by this House, I think it was in 2007, shortly after the new constitution was promulgated. I have interpreted those Standing Orders in accordance with the same text book, *Erskine May*. *Nothing*, nothing has changed in the last two days.

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What I have observed and I have pointed this out – and as I say, it is not for me to engage in debate – but I will ask the Clerk immediately... as soon as possible after the conclusion of this sitting to make a transcript of *Hansard* available to the Hon. Leader of the Opposition. He will see the questions in the last... well, yesterday and so far today have been unduly lengthy and I would invite the Leader of the Opposition to bring to me corresponding texts from corresponding *Hansards* in the last seven years to show whether the questions from the Opposition then were as lengthy. I do not – I may be mistaken – but I do not believe they were as lengthy. I have not curtailed the number of supplementaries – that is not curtailed – and I have no objection to as many supplementaries as are relevant to the subject and arise from the answers, as may be necessary.

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My criticism – or rather my plea – to the Opposition has been to curtail the preambles, because every question, or almost every question, has descended upon lengthy speeches, some of it of a political nature, some of it... well, unnecessarily long. But I will invite the Leader of the Opposition to prove me wrong, by comparing yesterday's *Hansard* with any one of the last seven years.

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Hon. P R Caruana: I will accept.

Mr Speaker: Thank you.

Can we now proceed with short, sharp, quick questions?

385

**Transparency of planning process
Deliberations to be held in public**

390

Clerk: Question 78, the Hon. S M Figueras.

Hon. S M Figueras: Thank you, Mr Speaker.

Will the Minister with responsibility for planning confirm whether there will be any part of the planning process, any at all, including the deliberations of the Development and Planning Commission which will not be held in public?

395

Clerk: Answer, the Hon. the Deputy Chief Minister.

400 **Hon. Deputy Chief Minister:** Mr Speaker, the only issues that have been raised to date in relation to this have related to security issues and this has been put forward by the Ministry of Defence, to security issues. The Government intends to discuss this matter further with the MOD.

405 **Hon. S M Figueras:** Mr Speaker, in addition to statements already made, would the hon. Member enlighten us as to whether any progress has been made on the holding of meetings in public and publication of the entire planning process online?

410 **Hon. Deputy Chief Minister:** Mr Speaker, the first public meeting of the DPC will be next week and the matter of placing all the application process online, so people can look for themselves and see the state of individual applications, is already underway. It is not, obviously, complete, but we have already started working on it.

Hon. S M Figueras: Mr Speaker, is the hon. Member able to provide me with a timescale for the publication of these applications online?

415 **Hon. Deputy Chief Minister:** Mr Speaker, it is certainly progressing, but I would not like to give a firm date. There is no date in the manifesto, obviously, but I can say it is progressing very quickly.

420 **Hon. S M Figueras:** Mr Speaker, in light of this new approach to planning and openness and certainly bringing the meetings of the Development and Planning Commission to the public, would the Minister concede perhaps that, given the importance of the openness that they are now placing on this process, holding every aspect, or rather, subjecting every aspect, of the planning process to public scrutiny is the desirable outcome of this process of change?

425 **Hon. Deputy Chief Minister:** Mr Speaker, this is our policy. That is exactly what our policy is and it was not the policy of the Members opposite when they were in Government. They are entitled to have a different policy, but our policy is that it should all be open, it should all be online.

There may be issues relating to security or sensitive issues of that nature but, other than that, everything will be open.

430 **Hon. S M Figueras:** Mr Speaker, in light of this clarification that there are, as one would expect, issues relating to security but, however, that everything should, in fact, be put before public scrutiny, will the hon. Member concede that, on the basis that Ministers of Government *and* Opposition are representatives of the people, they will take the initiative to amend the law to permit a Member of the Opposition to sit on the Development and Planning Commission, as a representative of the people, who will be subject and bound to those issues in relation to security?

440 **Hon. Deputy Chief Minister:** Mr Speaker, I appreciate the hon. Member is obviously new to the House and I understand that, but the hon. Members were in Government for 16 years and they never took that initiative. I appreciate it may not have been their policy; they are entitled to have it but, in our case, it is not in our manifesto, we have no commitment to include a Member of the Opposition in the DPC, but there are two Government Ministers represented on the DPC, who represent the people, and given that the meetings will be public and everything will be online, there will certainly be more information available to the Opposition than when *we* were on that side of the House.

445 **Hon. S M Figueras:** Mr Speaker, I am indeed new to the House and certainly finding my feet, but I am aware that it was the previous administration's position... I am aware of their previous position in relation to the Development and Planning Commission.

450 There is a new Government and there is a new approach to the Development and Planning Commission and will the Minister not concede that, perhaps consistent with this new approach, this commitment to openness, this commitment to public scrutiny, that appointing a Member of the Opposition to the Development and Planning Commission may be a good idea?

Hon. G H Licudi: He has answered the question already.

That Question has been answered.

455

Hon. Deputy Chief Minister: The hon. Member is certainly free to come to public meetings of the DPC, as anybody else is entitled to do that and to find out what the procedures are. What I certainly would be willing to consider, is to brief him on the issues which may not be discussed in public, because everything else he will be privy to.

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Hon. S M Figueras: Mr Speaker, I am grateful for that.
Thank you.

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**Development and Planning Commission Chairperson
Eligibility of Town Planner**

Clerk: Question 79, the Hon. S M Figueras.

470

Hon. S M Figueras: Thank you, Mr Speaker. Will the Minister with responsibility for Planning confirm that he is satisfied that there are no practical, legal, technical, or other reasons why the Town Planner should not be appointed Chairperson of the Development and Planning Commission?

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Clerk: Answer, the Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister: Mr Speaker, the advice that the Government has received is that there are no practical, legal or technical reasons, or other reasons, why the Town Planner should not be appointed Chairperson of the DPC.

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Hon. S M Figueras: As suspected, Mr Speaker, meaning no disrespect whatsoever to the office of the Town Planner or the Town Planner himself, will the Minister concede that it is far from ideal to have one of the more junior members of the Commission chairing *any* board or *any* Commission, much less that the person chairing the meeting is not one of two democratically elected representatives of the people at the Commission?

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Hon. Deputy Chief Minister: Mr Speaker, I certainly do not think the Town Planner can be described as 'a junior person', but having said that... (*Interjections*) certainly, the policy of the Government in our manifesto was that the Town Planner should chair meetings of the DPC and that is already the case.

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At the first meeting, the Town Planner took over the meeting from me and is now the Chairman of the DPC.

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Hon. P R Caruana: Mr Speaker, is it, in the Hon. Dr Garcia's view, usual for somebody to chair *any* board, never mind DPC, *any* board, when there are the Deputy Chief Minister, a Minister, the Government's Chief Technical Officer... Some of the most senior people in the Government are sitting around the table and this person, who is much more junior in the pecking order, is supposed to direct them to, as the Speaker would do here, to ask shorter questions or not to extend so much in debate, or to be relevant, or to stick to the point, I could just see Mr Origo saying to the Deputy Chief Minister, 'Now, Dr Garcia, stick to the point, we have discussed your views long enough and now it is time to move on to the next application.'

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Does he honestly believe that a junior civil servant – oh, not junior, he is not a junior civil servant, but in the context of the Government's Chief Technical Officer and all the other people that sit on the board, does Dr Garcia not accept that it is unlikely that any chair of any board would be able, in effect, to exercise control, as the chair must, over the people sitting around this table, most of whom are his considerable seniors?

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Hon. Deputy Chief Minister: Mr Speaker, this may not have happened under *his* administration, certainly perhaps, it did not, but we have a different policy and it will happen under *our* administration, certainly I think part of that analysis is absurd. This is the policy of the Government. The expert in town planning is a town planner. I know I am not an expert in planning; my colleague, although he has experience in the DPC, is also not an expert in planning and the professional person who is an expert and is qualified to

do that, should chair the DPC. So we do not agree with the analysis.

510 **Hon. P R Caruana:** Of course, the Town Planner is the expert in planning and he is now, as he was then, but experts offer advice to chairmen and board members, they do not *chair* the board that makes the decision. So if the expert on town planning is chairing the decision-making board, who is going to advise the decision-making board?

515 **Hon. Chief Minister:** Mr Speaker, if I may. The manifesto, all of whom sitting opposite, (*Interjections*) have a copy of –

Mr Speaker: Order! Order!

520 **Hon. Chief Minister:** – says on page 45 – the same page where they have been trying to get us to stick to what it says –

‘The Town Planner will be appointed Chairman of the DPC, while the Minister, as a representative of the people, will retain a seat on the DPC, but will not chair it.’

525 That is our policy –

Hon. J J Bossano: And we are implementing it.

530 **Hon. Chief Minister:** The people have chosen this policy. Therefore, neither we nor the people, agree with the interpretation of the hon. Member opposite.

535 **Hon. P R Caruana:** Therefore, Mr Speaker, according to *that* – I do not know if that is a Shakespearean soliloquy or not – but according to the Leader... the Chief Minister, so long as it is in their manifesto, even if it relates to the organisation of public bodies, of public affairs, we are not entitled to question them, because they are just implementing their manifesto.

540 Look, the Hon. the Chief Minister is going to lose his entirely undeserved reputation for being committed to transparency and reform much more quickly than even we suspected that he would lose it. We will ask questions in this House on any matter to do with public affairs or public policy, whether or not the hon. Members are doing things which are in their manifesto.

545 My question, on a matter of public affairs, to the Hon. Dr Garcia is, if the expert, to quote his name, to quote what Dr Garcia himself said, the technical expert of the Government in planning matters is chairing the decision-making Development and Planning Commission, who will advise the Development and Planning Commission on matters of expertise – that require expertise on planning?

Hon. Deputy Chief Minister: Mr Speaker, what we are saying is that we are entitled to *our* policy and they are entitled to *theirs* and if it is different, then so be it.

550 **Hon. P R Caruana:** I know they are entitled to their policies and because their policies relate to the public affairs of Gibraltar, I am entitled to ask the questions I have asked, even if it is their policy. He can say, ‘Lump it, it is our policy and I am not going to answer your question’, which is, who is going to advise the DPC on expertise requiring matters, given that they have put the expert as Chairman of the very board that would require the expertise?

555 **Hon. Deputy Chief Minister:** Mr Speaker, the position is as already answered. This is our policy, we respect it, nobody is saying he cannot come here (*Interjections*) and ask questions –

Mr Speaker: That is the answer.

560 **Hon. P R Caruana:** If the hon. Member is refusing to answer... (*Interjections*)

Hon. Deputy Chief Minister: The hon. Member is on his feet, so the hon. Member should be a bit more –

565 **Mr Speaker:** Order! Order!

Hon. Deputy Chief Minister: The hon. Member is on his feet, so the Leader of the Opposition should keep quiet and listen to the answer.

570 **Hon. Chief Minister:** Hear, hear.

Mr Speaker: That is the answer, we have to accept it.

Hon. P R Caruana: No, it is not an answer, it is a refusal to answer.

575 **Hon. Chief Minister:** It is an answer he does not like.

Mr Speaker: No, that is the answer on the record. We have to accept it for what it is. Comment may be made elsewhere, that is up to whoever it is.

580 **Clerk:** Question –

Hon. P R Caruana: My question was...

585 **Mr Speaker:** I understand the question.

Hon. P R Caruana: Who will advise the Commission? It was not (*Interjections*) – is it the policy of the Government that he should be the Chairman? (*Interjections*) We know that, given that because it is their policy, they have appointed the Town Planner as Chairman of the board, in consequence of the implementation of that policy, who will now advise the Commission on technical matters? That is the question. The answer cannot be, 'It is our policy.'

Mr Speaker: Look, with respect, that is the answer which has been provided on three occasions when the question was posed. It is not for me to direct a particular answer. That is the answer and I have to accept it.

595 **Hon. P R Caruana:** Yes, as do I, Mr Speaker.

At some point I am going to move a motion that the cameras of the GBC be allowed to televise these proceedings as soon as possible and preferably by the next meeting of Parliament. (*Interjections*)

600 **Mr Speaker:** Order! Order!

Hon. Chief Minister: Well, if he does, he will find he will probably have unanimous support, because there could be nothing better...

605 **Hon. P R Caruana:** Well, let us get on with it.

Hon. Chief Minister: Than for the people of Gibraltar to see for themselves the antics that the hon. Gentleman gets up to in this House, his demeanour. The fact that he sometimes stands in front of a camera with his silk tie and pretends to be a nice guy is not the reality day to day in this Parliament, that he is a brute in parliamentary terms that they need to see. (*Interjections*) What was it that you said? (*Interjection*) You got up and said something and I am replying.

610 The hon. Gentleman, Mr Speaker, for all the cameras and for all the viewers, will have to be seen, by the whole of Gibraltar, no longer to have the last word and to see how much it hurts him that he no longer has the last word and how the sour grapes keep coming through every single day and why, because of that, this Parliament is unable to operate as a Parliament.

615 **Hon. P R Caruana:** Mr Speaker, I am very happy for the people of Gibraltar to see that which, of course, they will not. What they will see is the refusal of the hon. Members opposite to answer the questions, the spectacle of a Chief Minister who cannot answer questions and what they will see... If the people of Gibraltar

620 had seen, including my overlong questions, what has happened in this House, during the last day and a half, particularly the performance of the newly elected Government and how it bears no resemblance to what they were served up before the Election as being their policy, Mr Speaker, I tell you that the majority would not, by now, be 250 votes, it would now be no votes at all. So, roll on the cameras!

625 **Hon. Chief Minister:** Actually, what they will see is they will see it once a month, because it was as much in the gift of the previous Chief Minister, as it is in this one, to call the meetings once a month.

630 What they will see, Mr Speaker, is an attempt to make this place work as a Parliament and what they will see is that the hon. Gentleman just cannot accept what his new role is, that the whole of his political discourse is about trying to say that we already are failing as a Government, that he should have been returned to office, that our majority in votes will be lower next time round, it may be zero already. Mr Speaker, he is in for a big surprise, if he is still around in four years' time, although I see that Cassius has a mean and hungry look and he may not be.

Mr Speaker: Order! Order!

635 **Hon. P R Caruana:** Point of order. I have a point of order.

640 The hon. Member says that I do not know what my new role is. I do know what my new role is. My new role is to ask questions on behalf of the people of Gibraltar, to hold the Government to account about their public affairs. When I have tried to exercise that right, this morning, by asking a simple question: if the Town Planner is now Chairman of the DPC, who is going to advise the DPC on technical matters, they have refused to answer me.

It is, therefore, not that I do not know what my role is, it is that they will not allow us to perform our role, because they refuse to answer straightforward, simple questions about the public affairs of Gibraltar.

645 **Mr Speaker:** Order.

Hon. Chief Minister: I am lost as to what point of order I am answering, other than that the hon. Gentleman wanted to repeat the question *again*, in case, because people have not got the cameras on him, which, obviously, he is dying to have all cameras on him again, they might not have heard it the first time.

650 Mr Speaker, perhaps what we should do in relation to the substance of the question, is read the press releases that we have already issued on the subject and he might find

Mr Speaker: Order.

655 **Hon. Chief Minister:** – himself rather elucidated.

Mr Speaker: Okay. This is not the debate on televising, so I do not think we need to go into that yet. No doubt we will have a chance to debate the issue whenever it happens.

Can we move to the next question please?

660

HEALTH AND THE ENVIRONMENT

665 **Registry of breast implants**
Support for patients with PIP implants

Clerk: Question 72, the Hon. Mrs I M Ellul-Hammond.

670 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it is not only lawyers who know how to ask questions!

Mr Speaker: No. The hon. Member has probably misunderstood me. I said, as lawyers, we should know better...

675 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Hon. the Minister for Health confirm if the GHA will be setting up a registry of Gibraltar patients who had breast implants fitted through the GHA, including at St Bernard's Hospital; at all UK hospitals, as well as the Royal Marsden Hospital; and at private clinics; and how will women found to have poly implant prosthese (PIP implants) be supported by the GHA?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, it is not only lawyers who can reply to questions.

685 Mr Speaker, no patients have had PIP implants fitted at St Bernard's Hospital or through St Bernard's on referral to the Royal Marsden. If any patient was referred by the GHA to any other NHS hospital for implants, then that patient would be notified by that NHS hospital. If requested, the GHA will make the necessary enquiries for any individual concerned.

690 With regard to Gibraltar residents who have had breast implants fitted privately, they have been advised to check with the hospital, clinic or surgeon who fitted them and, if they have been fitted, they are advised to seek to have them replaced free of charge by that clinic or hospital. This is the same advice that the UK government is giving patients treated privately in the UK.

695 Should any GPMS-entitled Gibraltar resident present to the GHA with a ruptured PIP implant, they will be immediately referred to the visiting plastic surgeon for treatment. If a GPMS-entitled Gibraltar resident presents to the GHA with evidence of having had a PIP implant fitted and if the hospital, clinic, or surgeon that fitted the prosthesis is unavailable, or unwilling, to replace the implant, then the GHA will offer to remove the implant at no cost to the patient.

700 Should that person wish to have the implant replaced, the GHA will provide the service electively through the visiting consultant plastic surgeon. If there is no medical indication to replace the implant – that is, the original reason for the implant was purely cosmetic – the patient will need to pay for the incremental costs of the new implants.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister please clarify what he meant by 'other NHS hospitals will be contacting any patients who have had implants'?

705 **Hon. Dr J E Cortes:** Yes, Mr Speaker.

We have carried out an exercise immediately to identify all the patients who we have referred to hospitals in the UK, and all those that we have contacted have responded that they have not used those implants. There is always a chance in any system – and I have inherited this system, clearly – that we may have missed one.

710 You never know, this could have happened some time ago and this is purely to say that if there is any NHS hospital that may have fitted a PIP implant to any patient, including a Gibraltarian patient, then that hospital will, in any case, contact the patient. But if any patient in Gibraltar has had an implant in any other hospital and is concerned, then we will make the necessary enquiries to make sure that we get an answer from the relevant hospital.

715 **Hon. Mrs I M Ellul-Hammond:** Thank you for that, Minister.

Mr Speaker, can the Minister also tell us how far back in the records has the GHA gone, in terms of researching GHA patients who have had implants implanted?

720 **Hon. Dr J E Cortes:** Mr Speaker, I have not got an exact date, but the instruction that I gave, and that has been followed up, leads me to believe that it goes back possibly as far as 10 years. But I would have to confirm that subsequently and I would be happy to provide that information, possibly even by the end of the day.

Hon. Mrs I M Ellul-Hammond: Please, that would be very much appreciated.

725 Also, Mr Speaker, could the Hon. the Minister please let me know how many patients, if possible, have been fitted with breast implants after referral from the GHA, be it as a consequence of breast cancer or for cosmetic purposes?

Hon. Dr J E Cortes: Mr Speaker, obviously that is not information I have with me now, as it was not

originally requested, but I will make that information available.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, I would like to go back just to the first part of the question.

If the Hon. the Minister could confirm if the GHA will be setting up a registry of Gibraltar patients which would include private patients, because, in fact, it would be good practice for there to be a registry of all medical devices, as it transpires that, according to the *British Medical Journal*, the very last one, there seem to be few checks and little regulation on medical devices, once they leave the factory floor to just before they are implanted in the patient.

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Just for the sake of traceability and as future reference, it would be good practice for the GHA to set up such a registry.

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Hon. Dr J E Cortes: Mr Speaker, the information is available. The question of whether it is in a form that we consider a registry, which nowadays – although this may surprise the Leader of the Opposition – can be done in digital format and not necessarily on paper with the word ‘Registry’ on the front, it is a possibility.

Clearly, if there is not a registry of this nature at the moment, it is because I have not inherited such a registry, but I shall certainly consult the professionals within the Health Authority towards the possibility and we will certainly consider that.

745

Hon. Mrs I M Ellul-Hammond: Thank you very much.

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**Concern over KGV Hospital
Progress on new mental health hospital**

Clerk: Question 73, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, given the Chief Minister’s concern for the KGV Hospital, as relayed in his New Year message, will the hon. Gentleman be expediting the completion of the new mental health hospital at the former Royal Naval Hospital site?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, on coming into office, the Government has become aware that work on the new mental hospital has so far been limited to enabling works. The design for the hospital had not been completed, nor had the staffing needs been identified.

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As Minister for Health, I have now initiated an urgent process, and I can report that the design is finally virtually complete and work is progressing at last in identifying staffing needs. This will allow work to finally commence in earnest, with a view to a new mental health facility being operational in the shortest possible time.

There is an urgent need, as the facilities at KGV have been neglected throughout the term of the last Government.

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Hon. Mrs I M Ellul-Hammond: Can the Hon. Minister tell us when the date of completion for the new mental health hospital will be?

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Hon. Dr J E Cortes: Mr Speaker, I cannot at this stage. The indication that I have been given, following the works as I found them on coming into office was perhaps a year, but I am afraid that because the design had not been completed, I hope to have a completion date very, very soon, and it will be as soon as possible because, as the Members opposite will know, we are giving great priority to the welfare of our mental patients.

780

Hon. Mrs I M Ellul-Hammond: Is the Hon. the Minister for Health aware, with regard to his New Year message, where the Chief Minister stated that nothing has been spent on the KGV for years that, in fact, a considerable amount had been done and purchased for the KGV these last four years, and that therefore the Chief Minister’s statement is untrue?

785 **Hon. Dr J E Cortes:** Mr Speaker, I have not delved into the annals of the expenditure in specific items in the Health Service of the last administration. What I can say is that if they did spend any amount of money, I could not see the fruits of it; neither could the Chief Minister. Therefore, clearly, that was by no means enough.

790 I am resisting the temptation of commenting further on the state of neglect at KGV Hospital, because that has been evidently clear to the public, so I will say no further at this point.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Opposition welcomes the fact that £70,000 will be spent on the KGV over the next few weeks on painting, new furniture and equipment. Can the Hon. Minister tell us, who will be doing the works on the KGV, seeing that there is little GJBS staff left?

795 **Hon. Dr J E Cortes:** Mr Speaker, the works will partly be carried out by the workforce employed for maintenance by the Health Authority, who are normally based at St Bernard's Hospital and were available over the last four, eight and umpteen years, too, actually working in KGV. They will be deployed and we are looking at sourcing work outside, and that is currently a process that is being undertaken by the relevant department of the GHA.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker –

Hon. J J Bossano: Mr Speaker, can I – ?

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Mr Speaker: The Hon. Joe Bossano.

Hon. J J Bossano: Since the Hon. Member opposite has said there is little GJBS staff left, I have to tell her that we have had no notification of any reduction in GJBS in the Employment Service. So, as far as I know –

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Hon. Mrs I M Ellul-Hammond: I am so sorry – subcontractors to GJBS.

Hon. J J Bossano: Subcontractors.

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Mr Speaker: Yes, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Is the Hon. the Minister for Health aware, in fact, if he delves into the annals of the GHA estimates and works that have been done and items that have been purchased that, over the last four years, the steps leading to the entrance of the KGV Hospital were underpinned, the patients' lift was replaced, the building was painted, a new water boiler was installed, a new key locking system was installed, improvements were made to the drainage system, extra sensors for the staff attack system were introduced, seven special mattresses were bought, three special pillows were bought, two blood pressure monitors were purchased, privacy curtains round the beds were installed, dining tables and chairs were bought for the KGV...? A new kitchenette for the acute ward was also installed, Mr Speaker, blinds for the bathrooms were also purchased, a tinted film roll for the patients' smoking room, an ironing board, an iron, a tumble dryer, (Interjection) a large industrial pedal bin, large medicine cabinet, dressing waste pedal bin, thermometers, pots, pans, office furniture, dishwasher and so on?

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So quite a lot, in fact, was purchased, and money was spent on the KGV. Is he aware – (Interjections) from delving into the...? (Interjections)

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Is he aware, then, that nothing was spent?

Hon. Dr J E Cortes: I am now aware.

835 But I think the pertinent point is not whether we have underpinned steps and bought ironing boards; I think the case that we have to consider – and I am not here to ask questions of the Opposition – is was that enough, and the answer is clearly not.

It goes further than that. I am not sure when any Member of the Opposition, present or past, last visited KGV, but if they were to visit it today, then they would be embarrassed to run up a list like the list we have just been listening to, because the effect of what they did was certainly nothing to benefit the patients – or

very little to benefit the patients.

840 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I did visit the KGV last year, and the year before that, and several times in the last four years, as a former member of the GHA.

The Opposition does recognise that the KGV needed work done. Is he aware, because of that, a new mental health hospital had been planned for the last four years and is underway?

845 **Hon. Dr J E Cortes:** I am sorry to hear that the hon. Lady did visit and that, despite that – she was not a Member of the Opposition then – and despite her membership of the GHA board, nothing was done, but I –

Hon. Mrs I M Ellul-Hammond: Yes. A lot was done. I have just read to you the list.

850 **Hon. Dr J E Cortes:** Look, it is not a question of whether... alright, I will rephrase that – of whether *anything* was done. Certainly not enough was done. You can ask anybody who saw the pictures and I invite you to come with me again, if you want – anybody who has had or has relatives in KGV, you just cannot justify the present condition of that institution by reading out a list of what was done. The question is not what was done; the question is what was not done. That is the question, Mr Speaker. So I think we have to place
855 that absolutely in context.

The KGV is not in a state that any of us would like any of our relatives to be in. If you do not believe me, ask the relatives. Starting a mental health facility after 15½ years, or 14½ years, if you started it before, is simply not enough.

860 Mr Speaker, I wanted to resist going on and on, but I have to tell you, I was manager of the hospitals in the Health Authority, coincidentally, from 1988. When I was manager in 1988, we completely restored St Bernard's Hospital and gave it 20 more years of life and we restored KGV Hospital. I last visited as manager of the Health Authority in 1991, and when I first visited within days of being elected by the people, I found it in a worse state than I had left it 20 years ago.

865 **Hon. P R Caruana:** Mr Speaker, does the hon. Member agree with me that you can never do enough to satisfy need, in any public service? If the hon. Member is going to set himself the benchmark of success of 'doing enough', there is always more that can be done and he is very ungenerous in his analysis, Mr Speaker – does he agree with me – if he takes the view that the question is not what you have done, but what you have not done? Actually, even if he wants to do that, should he not more accurately say 'what you did not get time to do'?

870 Does the hon. Member agree that to point out – which is an obvious reality – that we had embarked on building a new mental hospital but had not finished it, that is true? But, of course, it is not as if we spent the first 15 years doing nothing – surely he recalls that we had introduced a new professional ambulance service when, before, it was done by the Police shift. We had a new primary care centre, we built a new hospital and we have always said that the final piece of the jigsaw was the new mental health hospital and that we were in
875 the process of doing it. Does he acknowledge that, in his analysis of what he has just said?

Mr Speaker, I do not know, in technical terms, what the actual state of the mental health hospital is; but can the Hon. Minister tell me, given that he thinks that the KGV, he has found it in such a shocking state, and even though he was not then a Member of the Opposition, can he tell me how many questions, motions or
880 anything, the previous GSLP Opposition raised, during the last four years, during the last Parliament, about this allegedly shocking state of the mental health hospital because, really, the shocking state did not begin on 8th December?

885 **Hon. Dr J E Cortes:** Mr Speaker, unlike the Members opposite, I have not had the honour of serving in Opposition. Certainly, I cannot answer personally for what the Opposition may or may not have done.

But I can certainly answer personally for what *I* may or may not have done.

Hon. P R Caruana: That is not my question.

890 **Hon. Dr J E Cortes:** I will answer your question, Mr Speaker –

Mr Speaker: Order! The last part of the question was clearly not within the Hon. Minister's ministerial ambit as to what the Opposition did last time.

Carry on.

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Hon. Dr J E Cortes: What I can say – I will answer him, because it does cast certain aspersions – is that as far back as a public general meeting of the Health Authority at the John Mackintosh Hall at the time that Mr Azopardi was Minister for Health I publicly said that the mental hospital at the KGV had to be restored or replaced, and nothing happened. That must have been in 2002-03. When the new hospital was planned, as a member of the board of the Health Authority before I was removed for perhaps speaking my mind too freely, I constantly mentioned the fact that KGV needed work to be done. So I, personally, have always maintained and have always been very aware of the needs of the KGV Hospital, but as to how much... about being a work in progress, about not having got round yet to having done something at KGV, how much time do you need to spend a basic £70,000 in giving the patients the dignity that they require?

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The hon. Member opposite authorised spending more than double that on plants that died at Europa Point, Mr Speaker, (*Applause*) so they may have done... new ambulances, a new primary care centre, but they have also done new toilets and a new air terminal, whilst these people, who spend all their lives there, who have nowhere else to go to, are living in conditions where we would not want any of our relatives to be in, with broken down toilets, with broken cupboards and with their property in plastic bags. That, Mr Speaker, is shameful – absolutely shameful.

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I will not go any further because I am very inexperienced here, and I do not know quite how much I can say without getting into trouble!

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Hon. P R Caruana: Does the hon. Member agree with me, firstly, that the outgoing GSD Government was in the process of building a new mental health hospital? Does he also agree with me that if the situation is as shocking as he is now making out, then his current ministerial colleagues, when in Opposition, were in grave dereliction of duty not to have pointed all of this out? Perhaps they were not aware of it, either!

920

But, certainly, Mr Speaker, to now be faced with the bombardment that we get from Dr Cortes, who has appeared on the scene 15 minutes ago in political terms, and pretending that something is a scandalous shock, when the previous Opposition used to cross-examine the Government on health matters in minute, inquisitorial duty, apparently neither spotted this, nor thought it was so shocking to the extent that no questions have been asked in the last several years, suggests to me that there is more about Dr Cortes in this attack than about his party, because his party did not take this view when he was in Opposition – does he agree with me?

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Mr Speaker: There were a couple of –

Hon. Dr J E Cortes: I have... Yes... There is one answer that I could certainly give. Do I agree with him? No, sir.

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I do agree that they were in the process of commencing works on a new mental home – not far enough, not fast enough, and they were nowhere near ready enough. If there was dereliction of duty by the Opposition, how much more dereliction of duty by the last Government and the last Minister whose responsibility it was and who at least would have been allowed into the premises, whereas perhaps the Members of the Opposition may not have been.

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As to having been here politically for 15 minutes, well, if I am rattling him so much after 15 minutes, just wait till I have been here for a few hours! (*Applause*)

Mr Speaker: The Hon. Daniel Feetham.

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Hon. D A Feetham: Yes, can the hon. Gentleman explain to this House, who has advised him that this particular project – the mental hospital, I mean – is going to take another year? When we were in office, we were being advised that, in fact, it was going to be completed by June or summer this year.

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Hon. Dr J E Cortes: Mr Speaker, very soon after coming into office, my colleague, the Hon. Minister for Equality and Social Services and myself both took a great interest in the new RNH site. In fact we called a meeting on 4th January of all the stakeholders both in the new mental home and the new Dementia and Alzheimers' unit, where we discussed and we were able to establish where the project was.

Having spoken to people on works on the site, they suggested that it was just about possible to complete in nine months, but it is likely that that will slip, as construction often does, and therefore the period of a year

was the one that was mooted by the people working on the site.

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Hon. D A Feetham: So the answer is GJBS.

Hon. Dr J E Cortes: The answer is people working on the site, which include members of GJBS, but obviously it is a team that is working on that.

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Hon. D A Feetham: Of course, there are a lot of people working on the site. The hon. Gentleman is not suggesting that he has spoken to a labourer, and taken the labourer's view in relation to this; he has spoken to the management of GJBS, and it is the management of GJBS that have told him that it is going to take nine months – or at a push, nine months – or more realistically a year. Is that the case?

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Hon. Dr J E Cortes: I will have spoken to labourers, because I speak to everybody, but that information would have been provided... The team working there is not just GJBS; there are also project managers and so on. We had about 25 people discussing this subject in a room, and this was the consensus that came out.

I do not know what the point of the question is – maybe if I knew where the hon. Member is getting to, I will know what it is he wants. I do not really understand what the relevance is of who told me or did not.

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Hon. D A Feetham: It is certainly obvious to all of us on this side as to the reliability of the information that he is actually giving this House – which is at a push, nine months, more realistically, a year – when we had been told, when we were in office, that it would be completed by June, the summer, of this year.

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With respect to the hon. Member, will he answer the question: is it the management of GJBS? How high has he gone in order to elucidate this information – the information that he has provided to this Parliament and through it to the people of Gibraltar?

Hon. Dr J E Cortes: The discussion held on site included managers from GJBS.

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Mr Speaker: The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, for the purpose of clarification, the Hon. Dr Cortes mentioned that he had a meeting on the site, I think he said, on 4th January –

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Hon. Dr J E Cortes: No, sorry, just to correct that, the meeting was not on the site. The meeting was held in the boardroom of the Health Authority.

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Hon. J J Netto: The Health Authority where, presumably, I think he said, he discussed the completion date proposed for the mental health hospital and for the Alzheimers' and Dementia hospital – is that correct?

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Hon. Dr J E Cortes: Mr Speaker, the meeting was bringing together all the players in both projects, which included contractors, advisers, consultants, members of staff of both the Care Agency and the Health Authority and was chaired jointly by my colleague, Samantha Sacramento, and myself. It was a lengthy meeting in which we discussed not just the buildings themselves but the whole question of Alzheimers' and the mental health policy for Gibraltar.

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Hon. J J Netto: Mr Speaker, although there are questions on the Order Paper later on, as far as the completion dates of the Alzheimer's and Dementia hospital, I am only standing up right now in the context that, as far as the Alzheimer's and Dementia hospital is concerned, the completion date that we had was April this year. This is something I will refer to later on.

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Hon. Dr J E Cortes: Mr Speaker, I am purely referring to the wing and the other annexes, which are destined to become a mental home or hospital or whatever we want to call it, and I am not referring to all to the Dementia and Alzheimer's wing.

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**Gibraltar Health Authority
Possible changes to non-local management**

Clerk: Question 74, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Has the Hon. the Minister for Health made any changes to the non-local management of the GHA who they claimed were a hindrance to the GHA staff getting their work done?

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

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no changes have yet been made to the management of the Gibraltar Health Authority.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health tell us if any changes at all have been made to the management structure of the GHA?

Hon. Dr J E Cortes: No changes have yet been made to the management structure of the Gibraltar Health Authority.

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Hon. Mrs I M Ellul-Hammond: Could the Hon. the Minister clarify 'yet been made'? What planned changes does he envisage he will be making?

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Hon. Dr J E Cortes: Mr Speaker, I am currently looking at the whole organisation, with a view to making it more functional, effective for, and in the interests of, the patients and, with the support of the staff, I am looking into the organisation, as I say. It is a work in progress. No changes have yet been made – to the actual structure.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health confirm whether the current Chief Executive Officer of the GHA will be replaced by someone else?

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Hon. Dr J E Cortes: Mr Speaker, I have not yet made any changes to the management of the GHA, and therefore I cannot answer that question.

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**GHA complaints process
Implementation**

Clerk: Question 75, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health provide details on the GHA complaints process and how it will be implemented?

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

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have been assessing a great many issues during my ongoing process of induction into the Gibraltar Health Authority and the Ministry for Health. No change has yet been made to the complaints process. Once the decision on the process is made, it will be communicated to Parliament.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, in the media and in their manifesto policy, their pledge is to change the complaints system and have it taken over by the ombudsman, so therefore some thought must have gone behind including that commitment. Could he enlighten us a little further on the thought behind that pledged policy statement?

1060 **Hon. Dr J E Cortes:** Mr Speaker, as I said, I am looking into many matters, and this includes the complaints procedure.

The manifesto intention is still there, but the detail of how the complaints procedure develops has to be taken after thought and consideration which cannot be put in place until you are actually there doing the job. Therefore, it will happen in discussion with the staff, with the patients, with relatives, as to how we can improve it, as well, of course, as the members of the board of the Gibraltar Health Authority. Therefore the work is progressing and will progress, but I cannot at this stage make any further comment.

1070 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Minister for Health tell us how complaints on issues considered by the GHA to be minor but yet still important to those making the complaint, how they are now dealt with and how he envisages they will be dealt with?

1075 **Hon. Dr J E Cortes:** Mr Speaker, I have a copy of the current complaints procedure, which was put in place by the previous administration. This covers all the different aspects of complaints. It is a large document. I would be happy to make this available to the Opposition, but going through, stage by stage, what the different procedures are, I think would take unnecessary time for this Parliament.

Hon. Mrs I M Ellul-Hammond: That will not be necessary, Mr Speaker, but perhaps he could tell us how he would like to see complaints – these minor complaints – to be dealt with in their new policy.

1080 **Hon. Dr J E Cortes:** Mr Speaker, I think we require a definition of ‘minor complaints’ before I can even attempt to answer that question. What is minor? In the minds of the complainant, it is going to be a major issue; in the eyes of the Authority, perhaps it is not. Perhaps the hon. Member could explain little bit more.

1085 **Hon. Mrs I M Ellul-Hammond:** Informal complaints, Minister.

Hon. Dr J E Cortes: Mr Speaker, clearly this is not directly relevant to the question – but in any case, I will attempt to answer it.

1090 Informal complaints are normally made through the staff of the Health Authority and are contained within that. As I say, it is an intricate system and I am happy to pass this document on. I am not an expert yet on the current complaints procedure, but I have it here in front of me. I can pass it on, and it should be clear there. I do not really know what else I can say at this stage.

1095 **Hon. Mrs I M Ellul-Hammond:** Can the Minister confirm, then, whether this process will be changed as well, as per the manifesto commitment?

Hon. Dr J E Cortes: You mean the process for informal complaints – ?

Hon. Mrs I M Ellul-Hammond: The process for informal complaints and formal complaints.

1100 **Hon. Dr J E Cortes:** Mr Speaker, I like to do things well and I like to consider things thoroughly, and I cannot be rushed here in making a statement to which I will be held accountable for – or for which I will be held accountable, I will get my grammar right! – before I have carried out an extensive exercise, which will include all manner of complaints. When that is done and when the system is changed, in full consultation with staff, patients and relatives, then I will be able to talk about all the complaints and not just the minor complaints.

1110 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just a final supplementary. Will the current complement of staff, Minister, working for the GHA’s complaints department then be transferred to the ombudsman’s office or to alternative employment within the GHA?

Hon. Dr J E Cortes: Mr Speaker, that consideration will have to be part of the process.

1115 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Schools' health and safety audit
Date of commencement and duration**

1120 **Clerk:** Question 25, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the Minister for Education confirm when the health and safety audits of every school in Gibraltar commenced, as per the manifesto commitment of a starting date of January 2012, and how long does he envisage it will take?

1125 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I can confirm that the health and safety audit process for schools has already started. The first site visit will take place in January 2012, as stated in the Government's manifesto commitment. I envisage that the process will take several months.

1135 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. the Minister for Education envisage how much this health and safety audit will cost?

Hon. G H Licudi: Mr Speaker, this is being done using internal officers, therefore it will cost nothing.

1140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Hon. the Minister aware that there is already an Education Health and Safety Policy in place, which all schools abide by, each with their own policy document, which was created in 2010, in consultation with the Gibraltar Teachers' Association?

1145 **Hon. G H Licudi:** Mr Speaker, of course I am aware of that. There is a world of difference between each school having a health and safety policy, which they all have and they all adhere to, and the process we are embarked on, which is a health and safety audit of each school, with a professional coming in from outside and looking at health and safety – auditing the school from a health and safety point of view.

1150 Clearly the policy is there. Clearly, any health and safety issue that arises is dealt with under the policy. The fact that an audit is going to take place, and it will take place over a period of several months, does not mean that nothing is done on health and safety in schools. Those policies are there, those policies are complied with, and this is a new policy which has been introduced, to have a general audit of each school, which will be reported to my colleague, the Minister with responsibility for health and safety, and myself, as Minister with responsibility for Education, and we will see from that audit process what comes out and what needs to be done.

1155 But the individual policy for each school is there and they are complied with.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, so the Minister for Education does not feel this is a repeat exercise? He also mentioned that an expert from the outside will be coming in: surely this would cost money?

1160 **Hon. G H Licudi:** Mr Speaker, I have not said that any expert from outside –

A Member: Yes, you have. (*Interjections*)

Hon. G H Licudi: No, I said an internal expert.

1165 **Hon. D A Feetham:** No, you said professionals from the outside –

Hon. G H Licudi: Not from the outside, Mr Speaker. (*Interjections*) From the inside, an internal expert. The hon. Members were clearly not listening. It is coming from –

1170 **Hon. J J Netto:** You said from the outside!

Hon. G H Licudi: I did not say from the outside. If I did, then – (*Interjections*) I certainly recall saying an internal expert would be conducting this, and that is why it will cost nothing. Of course if it was somebody from outside, then it would have a cost. (*Interjection*)

1175 The hon. Members should perhaps listen to the answer. The experts will be from the Department, from my hon. Colleague, the Minister Balban, and that is why it will cost nothing. It will be done internally.

1180 **Hon. J J Netto:** If I may, Mr Speaker, can the hon. Member confirm – I do not know whether he is listening to the supplementary question – that the audit will be done by the factory inspector?

Hon. G H Licudi: No, sir.

Hon. J J Netto: Can the Minister tell me who then will conduct the audit?

1185 **Hon. G H Licudi:** The health and safety inspector engaged with the Technical Services.

Hon. J J Netto: Can the Minister tell me the range of issues that will cover the audit?

1190 **Hon. G H Licudi:** No, sir. What I have said is that the process has already started.

We are currently considering a document that has to be prepared. It is still not finalised. It will be finalised by next week, and as I have stated in the answer, the first site visit will take place in January 2012. We have started the process which has involved meeting with hon. colleagues, with the technical experts, with the Acting Director of Education, with experts from Technical Services. That is the process that has already been started as a result of that meeting.

1195 Exactly what that document is, which will lead to the audit itself of each school, is something that is currently being finalised and we will certainly be happy to say what that document is when that is finalised.

1200 **Hon. J J Netto:** Mr Speaker, I will rephrase the question. Is the audit being done in order to comply with the management of health and safety?

Hon. G H Licudi: No, Mr Speaker, the audit is being done, because we committed ourselves to carrying out an audit of each school and to identify any issues which require to be redressed.

1205 There is nothing in particular – it is not the case that something has been brought to our attention which says there is a health and safety issue, and some policies are not being complied with. We have simply determined, as a matter of policy, that it is appropriate for each school to have an audit during the course of this year, to identify any issues which ought to be looked at. That is what the audit process is all about.

Hon. P R Caruana: Mr Speaker, is that a one-off audit?

1210 **Hon. G H Licudi:** This is intended to be a yearly audit.

Hon. J J Netto: But in order to comply with the management of health and safety legislation?

1215 **Hon. G H Licudi:** Mr Speaker, we start on the premise that schools already comply with whatever legislation on health and safety exists. There is, as his hon. colleague has already indicated, a health and safety policy which applies to all schools. This is separate from that as an audit process, to identify any issues which ought to be brought to the Government's attention and which may or may not need to be redressed. That is the purpose of the audit.

1220 **Hon. D A Feetham:** Will the Hon. Minister undertake to make the results of the audit public?

Hon. G H Licudi: Yes, sir.

1225 **Clerk:** Question –
Mr Speaker: The Hon. the Leader of the Opposition.

1230 **Hon. P R Caruana:** Implicit in doing an audit, I suppose, is that anything that it shows would have to be done immediately, otherwise the Government would be exposed to any subsequent complaint that they knew that something needed to be done, they did not do it and there was some accident. So implicit in doing annual audits is that, then, the Government commits itself to promptly correcting whatever, if anything, a particular annual audit of a particular school might show. Is that true?

1235 **Hon. G H Licudi:** Mr Speaker, what could be more important than health and safety in schools? The purpose of the audit is to identify any issues which need to be redressed.

Of course, if any issue is identified as needing to be redressed in schools, it will be redressed by this Government!

1240 **Outgoing Director of Education
Replacement**

Clerk: Question 26, the Hon. Mrs I M Ellul-Hammond.

1245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, would the Hon. Minister for Education confirm that the outgoing Director of Education will be replaced?

1250 **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): Yes.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education confirm that he will be replaced by someone from the teaching grades, as has been the tradition up to now?

1260 **Hon. G H Licudi:** Mr Speaker, it is not for me to decide who is appointed as Director of Education. There is a process, there will be an advertisement, this is a matter that will go to the PSC and the PSC will decide in accordance with its normal practice.

1265 **Hon. E J Reyes:** Yes, Mr Speaker, but perhaps what my colleague is trying to ask is that in the past there has always been an agreement with the Gibraltar Teachers' Association, who have the negotiated rights for that grade, that the conditions for the post... it was open to qualified teachers who, on top of that, had to be graduates, as well. Perhaps that is what we are trying to ascertain – are you keeping to the same condition or are we changing?

Hon. Mrs I M Ellul-Hammond: Sorry, to clarify – not from the clerical grades, but from the teaching grades.

1270 **Hon. G H Licudi:** Mr Speaker, that is not what the original question asked. I have not seen the advertisement myself. I would assume that that is the case. The instructions that I have given, as Minister for Education, immediately upon the appointment of the former Director to the post of Chief Secretary, was that the post should be advertised.

1275 I have simply assumed that that will take its normal course and whatever process needs to be done will be done, the adverts will be issued and the matter will be decided by the PSC.

Hon. E J Reyes: Mr Speaker, all I wanted was clarification that it be advertised on the same terms as in the past.

1280 **Hon. G H Licudi:** Mr Speaker, what I have said is that I assume that that is the case. I have not seen the advert itself. I have given instructions for the post of Director to be replaced and the relevant officials are getting on with that in the same way, I imagine, as has been done in the past.

1285 No specific instructions – if this is what the hon. Member is driving at – have been given to change anything that has happened in the past. The instructions have been that the post of Director of Education should be filled.

**Increased complement of teachers
Measures taken to fill posts**

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Clerk: Question 27, the Hon. Mrs I M Ellul-Hammond.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education please explain what measures are being taken to increase the complement by 47 new teaching posts within the Department of Education, by open advertisement or straight from the teaching supply list?

1300 **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 complement of teachers will be increased by 47 and, as usual, this will be undertaken by advertisement.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister tell us how he arrived at the figure of 47?

1310 **Hon. G H Licudi:** Mr Speaker, this was a matter that was considered when we were in Opposition, as to the policy.

It was arrived at, having undergone a process of consultation with professionals, with the GTA. We were aware that there were a significant number of additional teachers that were needed, as a result of information that I have obtained in this House during the course of my time as Opposition Member with responsibility for educational matters.

1315 We set up an Education Committee, before the elections, to look precisely at all education matters, including this one and, having had the necessary feedback from professionals, from the GTA, and having considered the matter in that Committee, a recommendation was made – this is not a Government matter – it was made to the Party at the time, that the figure of 47 would be a sufficient number in order to meet the needs of the profession and our children, in order to carry out the policies that we have identified. As a Government we have adopted that and we will be engaging 47, which will do a number of matters.

1320 First, it will bring to an end the practice which has hitherto been the case of people being permanently on supply, not necessarily the same person, but of particular posts in schools being taken on, year after year, by supply workers: we do not agree that is conducive to good practice and that ought to be replaced, so it will do that.

1325 It will also allow us to comply with our policy of providing additional resources for children with special educational needs and it will also help us in our policy of reduction of class sizes. So after taking all that into account we consider that increase in complement by a figure of 47 was appropriate. That is the policy decision we took and that is what we intend to implement.

1330 **Hon. Mrs I M Ellul-Hammond:** Thank you but, Mr Speaker, can the Minister explain how many, then, of the present supply teachers will form part of the new 47 teaching posts. You have already mentioned some who have been there for a few years filling a post that needed to become permanent and pensionable. What about the *other* supply teachers?

1335 **Hon. G H Licudi:** Well, Mr Speaker, in the original answer I said that this would be undertaken by advertisement so all those members on the supply list, whether they have been working for one year or two, or simply on the supply list and working on an *ad hoc* basis, all those teachers, supply teachers will have the opportunity to apply for specific posts that will be advertised. Then the process – and it will certainly not be up to me to pick individuals and say put this one in this school for this particular subject – the process will be undertaken by advertisement, by interview, and the appropriate candidates will be selected.

1340 What I can say to the hon. Member, that this is a process that will be curriculum led. It will be on the basis of the needs of the curriculum for each school and, therefore, subject specializations for each school – in Secondary I am talking about, because in First and Middle schools teachers tend to teach a broad range of subjects – so subject specializations are at present being considered in terms of which teachers needing which specialization should be advertised as part of the 47 and, once that process has been undertaken and approved by the Director of Education, at the moment the acting Director of Education, in consultation with me, those adverts will go out, all the supply teachers will be able to apply and they will be interviewed and selected by the board. I certainly won't be part of that board.

1350 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes Mr Speaker, would the Hon. Minister please clarify, would those 47 posts all be posted in schools or would some, perhaps, be used to help increase the advisory service or is an increase in the advisory service going to be something over and above the 47 teaching posts within schools?

1355 **Hon. G H Licudi:** Mr Speaker, it is envisaged that these are teaching posts.

Hon. E J Reyes: Yes Mr Speaker, I would remind the Member, perhaps other colleagues who are qualified teachers and have worked in schools. The advisory service are also qualified teachers.

1360 **Hon. G H Licudi:** But they are not teaching posts. There is a difference between –

Hon. E J Reyes: They certainly are teaching posts Mr Speaker.

1365 **Hon. G H Licudi:** No, no, there is a difference between a teaching post where somebody undertakes teaching in schools and a teacher who happens to have a different post. If the hon. Member were to check the approved estimates which we passed in this House last year, there is a list under Education of the various posts and has the complement of teachers which, as I seem to recall, something like 332/333 and then separately there are different posts – Director of Education, the Senior Education Adviser, the two other Education Advisers – all those happen to be filled by teachers but they are not identified as teaching posts.

1370 The process that is being undertaken at the moment is to identify these specializations, the specific posts that are required to be filled by the 47 so that the applications can be made and everybody knows where those posts, in fact, are.

1375 **Hon. E J Reyes:** Okay, so can I just double check one or two things properly, Mr Speaker. The 47 posts are going to be for teachers working directly within the schools, can I then ask the Hon. Minister, can he confirm that there might be perhaps even an increase, then, in posts within the advisory service?

Hon. G H Licudi: But that is a different exercise Mr Speaker.

1380 What we have also said is, quite apart from this exercise of filling these teaching posts, we need to look at the clerical support that is required, both in schools and in the... if I can finish my answer first... there is a need to identify clerical support and administrative support that is required both in schools and in the Department of Education. The purpose of that is that once a clerical worker is engaged at whatever level – whether it is AO, EO, HEO, whatever level is identified – once that is engaged and they assist either schools, Headmasters, and Deputy Headmasters or in the Department by assisting the, if necessary, the Education Advisers, that will free up time from those persons who are qualified teachers, who will have more time to engage, rather than on the administrative tasks that they undertake at the moment but on the more educational and teaching tasks that they are qualified to undertake.

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I am not sure whether that answers the hon. Member's questions, but that is the process we are engaged in.

1390 **Mr Speaker:** The Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Yes, but can the Minister confirm or not whether all schools for all years will be receiving an extra teacher?

1395 **Hon. G H Licudi:** As I have indicated, the process of identifying where those posts are going to be is currently being undertaken by the Department of Education. I did say that that will then be a matter that will clearly have to be considered by the Director of Education in consultation with me. That process has not yet been completed so I certainly have not seen the list of what is proposed because that process is ongoing and has not yet been finalised.

1400 **Hon. Mrs I M Ellul-Hammond:** And as my final supplementary Mr Speaker. Minister, in your press release of 25th November last year you say the increase in permanent posts would not remove the need for real supply teachers to cover occasional demands, as required. Can you please explain what status constitutes 'real supply teachers'?

1405 **Hon. G H Licudi:** Mr Speaker, I can tell the hon. Member, not what may have happened before the 8th December, but what the policy of the Government is.

1410 There is a need to introduce teachers into various schools to fill up posts which actually exist at the moment over and above the complements of the 333 and which are being taken up permanently by supply workers, not necessarily permanently by the same supply workers but, year in year out, many schools have additional numbers of teachers as generally part of the, what may be known as the over complement. That is going to be eradicated. There will clearly also be a need at some point, whenever this exercise is completed, and as from September 2012, where there will be temporary absences from teachers. Teachers may have the flu, may be ill, may be on maternity, so temporary absences will have to be filled from whoever is on the supply list. So this exercise of the 47 is to increase the *permanent* complement of teachers but that will certainly not eradicate the need for temporary provision of supply workers whenever the need arises.

1415 **Hon. Mrs I M Ellul-Hammond:** Thank you for that.

1420 I understand what you are saying but will the status for supply teachers therefore change? Will there be a new arrangement or a new policy on how teachers are registered as supply teachers and their terms and conditions?

1425 **Hon. G H Licudi:** Mr Speaker, the one change that there will be is that those supply teachers who continue to carry out supply work to cover temporary absences, where that temporary absence is for three months or more, the supply teacher will actually get a contract of employment, and therefore it will be a temporary contract of employment for that period that they are carrying out supply, unlike the position at the moment where no contract of employment is actually offered.

1430 **Hon. Mrs I M Ellul-Hammond:** Thank you Minister.

Mr Speaker: The Hon. Edwin Reyes.

1435 **Hon. E J Reyes:** Mr Speaker, just so that we are all clear here. Is the example the Hon. Minister is trying to give, for example a teacher going away on maternity leave, if the period of maternity leave is going to extend over three months then another teacher will be taken on a sort of fixed term contract, and what rights then will that teacher then acquire for the next academic year?

Hon. G H Licudi: Mr Speaker, it is not a question of acquiring rights for the next academic year.

1440 If someone is engaged on a temporary contract of, say, three months or six months, they will have rights as an employee during that period. When the temporary contracts come to an end then whatever needs to happen if the teacher that is part of the complement comes back, then the temporary engagement comes to an end in the normal way, and the teacher, as part of the complement, resumes his or her – well, in the case of maternity, her work.

1445 **Hon. E J Reyes:** So that teacher, then, simply reverts back to the supply list.

Clerk: Question 28 –

1450 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move that the House do now adjourn until 5pm this afternoon.

1455 **Mr Speaker:** Is that convenient to all the hon. Members?
This House will adjourn until 5pm this afternoon.

The House adjourned at 11.50 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.00 p.m. – 8.47 p.m.

Gibraltar, Friday, 20th January 2012

The Gibraltar Parliament

The Parliament met at 5.00 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

Clerk: Mr Speaker.

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Clerk: Answers to questions continue.

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Equality of educational opportunity Improving the quality of schools

Clerk: Question 28 of 2012, the Hon. Mrs I M Ellul-Hammond.

15 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister for Health, please tell us, sorry, excuse me, for Education, please tell us what measures will the Government be taking to ensure the GTA/NASUWT's wish and recommendation for a move towards equally-sized, equally resourced and equally staffed schools to ensure that all children in Gibraltar are offered exactly the same equality of education regardless of catchment area?

20 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

25 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's commitment is to relocate Sacred Heart Middle School. This is being done in consultation with the GTA/NASUWT, in fact discussions on this have already taken place. Potential sites for the relocation are currently under consideration. A redefinition of catchment areas will be an intrinsic part of this process. The Government is in any event satisfied that all children in Gibraltar receive the same standard of education, regardless of catchment area.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. Gentleman tell me what plans the Government has with the old St Bernard's Hospital site and are you committed to relocating St Bernard's School and its Nursery and Sacred Heart School there?

Hon. G H Licudi: Mr Speaker, the Government is not committed to that. That was not a manifesto commitment of us, nor have we said that we have a policy to do that.

35 What I have said is that we are carrying out plans to make sure that our commitment to relocate Sacred Heart Middle School is carried out, and that has been done in consultation with the Union. We have already identified potential sites which are under consideration.

40 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker does the Hon. Minister... is he going to take into consideration that the old St Bernard's site was being prepped as a potential school?

Hon. G H Licudi: Mr Speaker, the information I have is that very, very little work was done in terms of converting that or prepping that as a potential school and that is something that we will clearly take into account but it is not the only matter that is being taken into account.

45 **Hon. D A Feetham:** What plans do the Government have for the old St Bernard's Hospital?

Hon. G H Licudi: Mr Speaker, I don't believe that that falls under the question that has been asked, we will have to be given notice of that question.

50 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes Mr Speaker, the Honourable Minister mentioned the, if I got it right, he intends to carry out a review of the catchment areas.

55 **Hon. G H Licudi:** Yes

Hon. E J Reyes: Does that mean a review of catchment areas for all schools, across all age groups, all sectors, all key stages, or is it just limited to a particular sector?

60 **Hon. G H Licudi:** Mr Speaker, what I said was that a redefinition of catchment areas will be an intrinsic part of the process.

65 Clearly, if there is a relocation of one school, catchment areas will have to be redefined to take into account that there will be another school of that type – that is going to be a Middle School – in a particular area. So until we have the site and we know the school and the number of children that will be in that school we won't know exactly what catchment area needs to be taken into account for that particular school and how it will affect other catchment areas but, clearly, there will be an effect on *other* catchment areas if there is a

redefinition of catchment areas. It is inherent in that process, that it will affect catchment areas for other schools.

70 **Hon. E J Reyes:** Okay, thank you for that, Mr Speaker.

I understand that, therefore, it is acceptable that, until the move is made and then one is able to redefine the catchment area... I was trying to take the Minister a bit further – if we are talking about Sacred Heart School, which is a Middle School – will he also take advantage that, in redefining catchment areas, to also perhaps look into redefinition of catchment areas in respect of First Schools?

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Hon. G H Licudi: Mr Speaker, catchment areas take into account schools that are available in particular areas. The specific move that we are contemplating is related to the Middle Schools so that we have, as we have already set out, Sacred Heart moving to a different location, whereby there can be an increase in the number of children in the catchment areas.

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Let me say this – not in the catchment areas, in that particular school – let me say that this is not, as I have already said, prompted by any concern about the standard or quality of education that is delivered in that particular school, this is simply the result that there has been, and there continues to be, a population shift in Gibraltar. Over the last few years we have seen a population shift towards the west side of Gibraltar, more recently towards the southern end of Gibraltar, with some developments there, and this policy was put in place as a response to that population shift.

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That population shift was also recognised by the previous administration because there were plans – and it is not intended by these comments to enter into a political controversy but simply to state, as a fact, that there were plans by the previous administration – to build another school, Middle School, in the Mid Harbour areas. That clearly took into account that there had been that population shift so there was a recognition across both sides of the House, as I understand it, that there is a need for a school because of that population shift, but what we do not go along with, if that is what is intended in the question, that there should be *all* children in Gibraltar in equally sized, equally resourced... to deliver equality of education in Gibraltar.

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If that is intended to suggest that unless schools are of equal size the same quality of education is not delivered to all children, we do not accept that. There is... there are very good teachers and very good quality of education that is currently being delivered to children at Sacred Heart, but the fact is that, because of the population shift, the intake of that school each year is getting smaller and there has to be a response to that because we cannot have that school with a first year every year getting smaller and smaller. Because of that we feel that it is necessary to relocate the school and to equalize the size of the schools as much as we can in the middle sector and that will bring benefits all round.

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Hon. E J Reyes: Yes, Mr Speaker, thank you for that answer, but the desire and the sort of the philosophy that schools should be as equal in size and as equally resourced as possible is a desire from the professional teaching body represented through the Unions, yes, so is your Hon. Minister saying that he does not necessarily share those views, as held by the profession?

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Hon. G H Licudi: Mr Speaker, I share those views but there are different reasons for perhaps those views.

There are two different matters that have to be considered when we talk of equalisation. We can talk of equalisation of numbers in a school and that is desirable from a number of respects, particularly where there is a population shift, so that people have a school as near as possible and, therefore, to the extent possible, if we have schools of more or less equal size that can accommodate catchment areas and have the same number of pupils, that is desirable.

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The other view that the hon. Member has expressed in terms of a move towards equalization, as set out by the profession, that also takes into account that, as currently structured, the posts – and I am thinking in particular of TLR posts – Teaching, Learning, Responsibility posts which is I understand what the hon. Member is getting at, they are different in Sacred Heart than they are in other Middle Schools, particularly because of the numbers, because they are posts that are calculated on the basis of the numbers. So we do want to accommodate that request and that wish by the profession to seek equalisation in terms of posts but there is also a need to achieve equalisation on numbers because of the population shift, so what we want to do is, as it were, kill those two birds with one stone.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, the hon. Gentleman mentioned population shift and also to

the south district, so, therefore, will the Government plan... will there be plans for the use of St Christopher's School and its building once pupils are integrated into Gibraltar's education system and could it service this growing population in the south district?

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Hon. G H Licudi: Mr Speaker, St Christopher's School has not been handed to the Government yet but it is a matter which is under active consideration.

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I can tell the hon. Member that I visited St Christopher's School with the Deputy Chief Minister only about two weeks ago to look at the school and it was the first opportunity we had to see what resources are available there. Those are matters that will be taken into account but it is certainly not a piece of land or school that has been handed yet to the Government, but we will be looking specifically at what use can be made of that school.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker will the hon. Gentleman be taking the parental view into consideration when, before finalising a decision on movement of catchment area and movement of schools?

Hon. G H Licudi: Yes

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Hon. D A Feetham: Can he also give us an indication as to what sites the Government is considering in terms of possible location of schools to cater for this shift of population and catchment areas? Can he also give an indication as to timeframes for completion of this review that he was talking about earlier?

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Hon. G H Licudi: Mr Speaker I cannot give an indication of sites, except to say that potential sites are under consideration and, until the plans are a bit more advanced, I would not want to go with identification of the sites concerned.

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In terms of timescale, what I can tell the hon. Member is that it does not appear to be likely or feasible, even if we wanted this to happen, for this move to happen before September of this year so that, for the next academic year, it does not seem likely that there will be a relocation. From there the hon. Member can infer that we will try our utmost to achieve that for the beginning of the next academic year because it does not seem proper to have a move of this nature, to move to a new school, in the middle of an academic year, with the possible disruption – because it needs redefinition of catchment areas, trying to get new children in. That is a move that is properly done at the beginning of the academic year.

As I have said, it does not appear to be likely or feasible that this will happen this year.

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Hon. D A Feetham: Just one final question. I am not trying to catch the hon. Gentleman out in any way, shape or form, but can he confirm that the sites under consideration were the sites that we were considering ourselves when we were in Government, or are there any other sites that he is also throwing into the mix?

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Hon. G H Licudi: Mr Speaker, I have absolutely no idea what sites were being considered by the previous administration.

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Hon. D A Feetham: Well, you know because we had a debate about this in Parliament. There is Rooke, there is the St Bernard's Hospital site, St Christopher's, as my colleague has pointed out.

Are there any other sites, apart from those three, that the Government is considering?

Hon. G H Licudi: Yes, sir.

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Hon. E J Reyes: Mr Speaker, would, perhaps – and, again, we are not trying to be, sort of, awkward or whatever but just trying perhaps, for the benefit of the teaching profession, to clarify some matters for them – amongst all the considerations that the Hon. Minister needs time to consider, consult with and so on, hypothetically, could it also even be possible that an existing educational establishment moves elsewhere, so that that particular site then becomes a Middle School?

I do not know if you want me to name them as a hypothetical example, we could.

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Hon. G H Licudi: That is possible – and the hon. Member says 'for the benefit of the teaching profession'. These are matters that we are in active consultation with the teaching profession.

180 **Hon. D J Bossino:** Mr Speaker, can the Minister give an indication as to at what stage he thinks he will be seeking parental views that he mentioned earlier. At what stage of the process will he be seeking parents' views?

Hon. G H Licudi: Mr Speaker, certainly once the process is somewhat more advanced than it is at this stage.

185 We have been in office for five weeks, we have already had preliminary meetings specifically on this issue. I have already indicated that there has been one site visit to consider a school that has not even been handed over to us, so there has been some preparatory work. In due course and, once we have clearer views as to where we are going with this, the necessary consultation will take place and I can assure the hon. Member that that is what will happen.

190 **Hon. D J Bossino:** Can I ask the Minister what the extent of that consultation will be?

Hon. G H Licudi: The hon. Member can ask.

195 That is a matter that will have to be determined on advice from the Director of Education, who I expect will be in post by then. Whoever the new Director of Education will be, this is primarily an administrative process that will be led by the Director of Education.

Hon. D J Bossino: The Government does not have a policy in relation to seeking parents' views in relation to that, as such – you are seeking officials' advice in relation to that issue – or have I misunderstood the Minister?

200 **Hon. G H Licudi:** Mr Speaker, the policy is as I have said in answer to the question from the hon. Mr Feetham. There will be consultation. How that happens, and when the consultation and how that policy is put into effect, that is a matter on which we will take advice and the Director of Education will take the lead on that. The Government provides the policy and the managers manage.

205
**Free nursery education policy
Manifesto details**

210 **Clerk:** Question 29. The Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Education provide details on the free nursery education policy, as outlined in their manifesto

215 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice

220 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's policy is to provide free optional nursery education. The Government is currently engaged in discussions with the Department of Education on the implementation of this policy. Private nurseries will also be consulted.

An announcement providing further details will be made once the discussions with the Department of Education and private nurseries are concluded.

225 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. Member explain if any extra places will be made available at Government nurseries to provide free nursery education for all?

230 **Hon. G H Licudi:** That will be something that will have to be considered as part of the process of the implementation of the policy that is currently underway. At the moment there are, I seem to recall, approximately 300 odd places for nursery education for 3 year olds and applications are received by the Department and are processed. Not, as I understand it, not every applicant is able to get a place.

235 What we want to ensure is that everybody – because this is an optional, voluntary, it is not education that has been provided to people of statutory age that have to attend school, so this is a voluntary and optional – but what we want to make sure is that those who *want* to take up the nursery place in pre-school are able to do so and to the extent that the process identifies that there is going to be a need for further places to be available, then that will be available in the implementation of the policy. Again I must stress that what we have set out and what I am confirming today is what the *policy* is. How the policy is precisely implemented will be a matter of, on which I will be taking advice and consulting with the right professionals.

240 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can I ask, can the Hon. Minister explain, then, exactly what he means then by ‘on a public/private basis’ which is part of their policy.

Hon. G H Licudi: Mr Speaker. I have explained what the Government’s policy is.

245 The Government’s policy is that that there should be free nursery education on an optional and voluntary basis. That will be done, because at the moment, at the moment, as I understand it... there are, sorry, Mr Speaker, at the moment, as I understand it, there are insufficient places and there are people who look to private nurseries to provide that facility if they are not able to get into a Government nursery.

250 We will have to have consultation with – a process of consultation – with those private nurseries and see what the best way of making sure that there are placements for everybody is, and that is why a partnership is something that is on the cards and will have to be considered and discussed. As I have said we have the *policy*, the precise details of the implementation of the policy will have to come at a later date.

255 **Hon. E J Reyes:** Yes, Mr Speaker, may I ask one further thing. As a matter of policy, if there is an expansion of nursery placements, would it be the Government’s policy that these nurseries, if need be with new physical buildings, whatever, would come under and be attached and come under the head teacher of an existing or new first school, or would they be totally independent and not come under the guidance of the head teacher of an existing school?

260 **Hon. G H Licudi:** Mr Speaker, some nurseries do come under that already and in one particular place there is a separate Government nursery that I am aware of. What we are talking of is making sure that there are places available for everybody, either in those facilities or by carrying out the consultation and that sort of partnership with the private sector that has been identified.

265 I am unable to give any further details at this stage because the process is ongoing and I have had discussions with the Department of Education on this but we need to have further discussions as to how the policy precisely is going to be implemented but, certainly, the nursery that currently comes under the auspices, if I may say so, of a First School and therefore under the headmaster of that particular school, there are no plans to change that at all.

270 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, sorry I don’t mean to be difficult, just further clarification behind, then, this policy: so are you saying that, perhaps, private nurseries could be compensated to offer free nursery care to some individuals who choose the option to seek free Government nursery place?

Hon. G H Licudi: The details of the implementation of the policy will be announced in due course.

275 **Hon. D A Feetham:** And will the hon. Member confirm that teachers actually running the nurseries will be qualified teachers, they won’t, you know... that they will be qualified teachers, not non qualified?

280 **Hon. G H Licudi:** Well, the teachers that are at the moment running the nurseries have the necessary, have qualifications to run nurseries so they will have whatever qualifications are necessary in order to run the system that has existed under the previous administration.

285 We do not... can I say that this is not a policy that envisages any change to the previous administration’s system. This is simply a policy to ensure that *all* children who want to avail themselves, on an optional, voluntary basis, of this facility have this facility available. To the extent that there was a system in place in terms of qualifications, that is something that is going to continue.

Hon. D A Feetham: Well, the reason why I am asking is that, in fact, in 1996 there was a nursery that was

run during a... prior to 1996, was not run by qualified teachers. All nursery places... nurseries that were, that have been created subsequent to that, we made it a point when we were in administration that they would be run by qualified teachers: what I am asking is – is the hon. Gentleman going to return to a policy that was pre-1996 or will he continue with a policy that we instituted post-1996?

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That is all. I mean, I am not trying to catch him out. It is just so I understand this.

Hon. G H Licudi: Mr Speaker, there has not been any change; there have not been any instructions to change the current system, so whatever current system is in place will continue.

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**Law Courts project
Town Range completion**

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

Hon. D A Feetham: Can the hon. the Minister for Justice state when the Town Range part of the Law Courts project will be completed?

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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 latest project update provided by the contractors, Gibraltar Joinery and Building Services Ltd, is that the Supreme Court Registry Office at Town Range was due to be completed by 20th January of this year, that is today.

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I am, in fact, informed that we anticipate that this will probably happen on 25th January, in other words next Wednesday, so there is a few days' delay from the anticipated date. The target completion date of the new building that houses the Magistrates' Court, Coroner's Court and associated offices is 29th February 2012 and can I just clarify that that is a target completion date. The information I have is that there could, in fact, be a little bit of slippage and we could be talking of the middle of March.

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Hon. D A Feetham: Does the hon. Gentleman accept that it is important for the administration of justice for this project to be completed as quickly as possible?

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Hon. G H Licudi: Yes, sir.

Hon. D A Feetham: Have there been any instructions for a decrease of labour on this particular site, or is the programme of work that is being adhered to, the programme of works that we instituted when we were in office?

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Hon. G H Licudi: Mr Speaker, I don't know what the programme of works were when the hon. Member was in office and what instructions had been given. What I do know is that, what I am advised, is that the target completion date for the new building was around May 2012. It was brought forward to February 2012 and, in fact, it is going to happen in the middle of March 2012 so there has not been any slippage as such. Therefore, works are progressing properly, with a view to having it completed, as far as the contractors are concerned, with a target date of 29th February 2012, which may slip by a couple of weeks.

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Hon. D A Feetham: Well, with respect to the hon. Gentleman, that was not the question. Now he must know – and if the answer is 'no', the answer is 'no' – he must know whether there have been any instructions for there to be a decrease of labour on this particular site. That is the question that I am asking. Have there been any instructions?

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And let me also say that, in fact, the original target date for completion of that particular project was 30th November and, in fact, there have been slippages from 30th November and now the hon. Gentleman is saying that it is going to be February. But have there been any instructions for there to be a decrease of labour on that

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particular site? He must know that.

345 **Hon. G H Licudi:** Mr Speaker, I am not sure what the hon. Member means by 'decrease of labour' to the extent that he talks of evening work and weekend work, then evening work and weekend work is not happening but, on the basis that the work is continuing under the contractor under normal hours of work, there continues to be the normal complement of labour during that time and works are on schedule to be completed, if not by the end of February then a couple of weeks later.

350 **Hon. D A Feetham:** Did he give the instructions for there not to be this, to be work during weekends and I think he mentioned something, I think he mentioned –

Hon. G H Licudi: Evenings.

355 **Hon. D A Feetham:** – evening work. Did he give those instructions?

Hon. G H Licudi: No, sir

360 **Hon. D A Feetham:** Who gave those instructions?

Hon. G H Licudi: Mr Speaker, I am advised that work in the evenings and the weekends has stopped and I have no idea who gave those instructions.

365

**Fourth Supreme Court Judge
Sitting to hear criminal cases**

370 **Clerk:** Question 31, the Hon. D A Feetham

Hon. D A Feetham: Can the Hon. the Minister for Justice state when the fourth Supreme Court Judge will begin sitting hearing criminal cases?

375 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

380 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the fourth Supreme Court Judge, Mr Justice Black, is scheduled to begin sitting on criminal case matters from the week commencing 23rd January of this year.

Hon. D A Feetham: So he is sitting as from today?

Hon. G H Licudi: No, the 23rd – Monday

385 **Hon. D A Feetham:** Oh, I beg your pardon I thought he said 20

Hon. G H Licudi: Mr Speaker, apologies if, I do not know if I said 20th or 23rd: it is, in fact, 23rd January, next Monday.

390 **Hon. D A Feetham:** Does he accept that, once the Law Courts project has been completed, whilst the fourth judge is sitting, there is no reason why the delay in hearing criminal cases should not be brought within what are reasonable parameters and reasonable timeframes?

395 **Hon. G H Licudi:** Yes, Mr Speaker, that is precisely what the Gibraltar Court Service is working to.

Hon. D A Feetham: And does he envisage that any delay in the implementation of the Crimes Bill and

the Criminal Procedure – sorry, the Crimes Act and the Criminal Procedure and Evidence Act – might actually have an impact on the timeframes for dealing with criminal cases?

400 **Hon. G H Licudi:** Mr Speaker, I am not sure what the hon. Member means by ‘having an impact’, whether he means it is going to have a negative impact on the timetable or a positive impact on the timetable. The position is... (*Interjection by Hon. D A Feetham*) No, no, the position is that there is a backlog of cases. There is a backlog of criminal cases that need to be dealt with. Those are offences which are unaffected by the Crimes Act and the implementation of the legislation that the hon. Member has referred to, those are offences
405 that existed at the time when they were committed. There is a need to clear that backlog.

Mr Justice Black has been brought in. He will be sitting on criminal cases and that will certainly clear the backlog in due course and will bring the administration of cases on criminal and also on civil matters within what the hon. Member has described as ‘reasonable timeframes.’ Unfortunately, without necessarily going into reasons, there has been undue delay in the past in both civil matters and criminal matters and this will
410 certainly help to clear that backlog.

Hon. D A Feetham: Does he accept that, for example, having long committals, which is something that occurs now, and which is going to be done away with through the introduction of the Criminal Procedure and Evidence Act, has an impact on the length of time in which a case actually gets to trial, and therefore does he
415 not accept that any delay in the implementation and commencement of the Crimes Act and the Criminal Procedure and Evidence Act is also, by definition, going to have an impact on how long a case takes from, to get to trial from the moment a person is charged?

Hon. G H Licudi: Mr Speaker, not all cases have long committals. In fact, in my experience very few cases have long committals. That is a process that was used – (*Interjection by Hon. D A Feetham*) It might be an example, but that is the odd occasion, or the rare occasion, rather than the norm, so we cannot exaggerate the impact that removing the ability to have long committals will have on these matters. Clearly, it will have an impact.
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As regards the delay the hon. Member has talked about, any delay... Well, these are pieces of legislation that were enacted during the hon. Member’s term. It is not just because of the delay in the courts that these Acts are not implemented. They could have been implemented by the hon. Member when he was in office. They have not been implemented yet. The position on those Acts is as I mentioned yesterday, we are embarking on a consultation process. By and large, we agree, as I indicated during the debate on the Second Reading of both Bills, that the provisions of these Acts ought to be implemented; but there are practical and substantive matters that are being looked at and, again, I am not going to pre-empt the result of that consultation. But let us not exaggerate that removing long committals is going to be the panacea that resolves all problems that have existed in Gibraltar up to now.
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Hon. D A Feetham: Thank you very much. So if, effectively, commencing the Crimes Bill, the Criminal Procedure and Evidence Bill is going to have a minimum impact on delays facing criminal trials, does he not accept, therefore, that there are now no excuses why there ought to be delays in criminal trials, bearing in mind the new building and also the criminal judge and everything else that has been done?
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Hon. G H Licudi: Mr Speaker, there is a backlog of cases. When the hon. Member says it –
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Hon. D A Feetham: Not backlog, future.

Hon. G H Licudi: Well, the future, I am not sure whether the hon. Member means as from next Monday, as from six months’ time or from as from a year’s time.
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There is a backlog of cases and I appreciate that the hon. Members took steps in respect of the court buildings, in respect of the engagement of the additional judge – the fourth judge – that has now taken place and I appreciate that all those steps were taken. Those steps are now coming to fruition, with the courts being ready, hopefully very soon, and with the fourth judge already here, having been sworn in and starting work as from Monday.
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But there is a backlog of cases, which the Gibraltar Court Service has to deal with. Once that backlog is cleared, then we expect that the normal schedule will be able to operate. That will really depend on the

455 amount of cases that there are. It is impossible to anticipate what the position will be in, say, six months' or a year's time as to how long a case will take to get to trial, but it will certainly be – and I agree with the hon. Member – it will certainly be less than it has been up to now, which the hon. Member will agree with me has been unacceptable.

Hon. D A Feetham: The hon. Gentleman used to ask me a lot of questions about it when I was Minister for Justice, about the delays (*Interjection*) and he used to comment adversely upon the delays and he used to describe it as being unacceptable.

460 What I am asking, and what I am trying to get to the bottom of is, does the hon. Gentleman not accept that, with all these measures – I am not talking about the backlog of cases... I accept that those backlog of cases have to be dealt with – but with all these measures that were introduced by the previous administration, there is now *no excuse* why there ought to be the unacceptable delays, which we both agree, the unacceptable delays in dealing with criminal cases that there were in the past. Yes or no?

465 **Mr Speaker:** Excuse me, before the Hon. Minister replies, isn't that a hypothetical question because we have established that the new judge will take office on Monday? We have established that all the buildings are not yet in place.

470 Why are we talking about delays which may or may not...? We have not established there are delays in the future, have we? We can ask about delays today or delays in the past, but delays which may or may not occur in the future is hypothetical.

Hon. D A Feetham: I am not asking about delays in the future. Mr Speaker, with respect... (*Interjection*) No, what I am asking the hon. Gentleman is to confirm that, once all these measures are in place, there will be no excuses for any delays.

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Mr Speaker: What delays?

480 **Hon. D A Feetham:** Well, we hope –

Mr Speaker: Have you established a week, a month?

Hon. D A Feetham: Well, we all hope that, in fact, there will not be any delays, but if there are delays –

485 **Mr Speaker:** But what delays? Are we talking a week's delay, a month's delay? It is all hypothetical.

Hon. D A Feetham: Well, we know that there have been delays in the past.

490 **Mr Speaker:** Yes, and the Member (*Interjection*) may ask about existing –

Hon. P R Caruana: Don't argue with –

495 **Mr Speaker:** Well, the Members may ask about existing delays and past delays, but asking about delays which may or may not happen... We have not established they have happened. Surely, it is hypothetical?

Clerk: Question 33.

Mr Speaker: But if the Minister wants to answer, he is welcome to answer it. (*Laughter*)

500 **Hon. P R Caruana:** He was answering before... (*Interjection*)

Mr Speaker: Well, because the same question was asked three times and he got the same answer three times.

505 Can we move to the next question?

**Insolvency Act
Completion of subsidiary legislation**

510 **Clerk:** Question 33, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Minister for Justice state whether the subsidiary legislation to the Insolvency Act has not been completed?

515 **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, it is anticipated that the subsidiary legislation to the Insolvency Act will comprise the following:

520 (1) Insolvency Rules setting out detailed insolvency procedures. These have been drafted and are currently being considered by me.

525 (2) Regulations covering cross-border insolvency. The relevant provisions were, I am told, originally drafted as part of the Insolvency Bill, but a decision was taken at the time, before the Bill was finalised, to include them in separate regulations. These provisions have, therefore, already been drafted and need only be put in the form of Regulations. I have not yet seen these provisions.

(3) Regulations setting out transitional provisions in relation to both the Insolvency Act and the Insolvency (Consequential Provisions) Act. These regulations have not been drafted.

530 (4) Insolvent Partnership Regulations, setting out rules for dealing efficiently with insolvent partnerships. These regulations have not been drafted.

(5) Insolvency Practitioners Regulations and Code, which provide for the detailed regulation of licensed insolvency practitioners. These regulations have not been drafted.

535 (6) Administration of Insolvent Estates Regulations, setting out the rules and procedures for dealing with insolvent estates. These regulations have not been drafted.

I am intending to meet with a legislative draftsman involved on these matters at the earliest opportunity to discuss all outstanding issues. In fact, I can now confirm to the hon. Member that that meeting is scheduled for Thursday of next week.

540 In addition, an Insolvency Consequential Provisions Act to amend the Companies Act and other legislation impacted by the Insolvency Act has been drafted and is currently being considered by me.

545 hon. Members will be aware that the Government will reform the Companies Act with the introduction of a new Act. A decision will need to be taken by Government as to whether the consequential amendments which are required as a result of the Insolvency Act will be introduced as part of the new Companies Act, or whether the current Companies Act will be amended with the Insolvency Consequential Provisions Act being brought to this Parliament. This will depend on how far advanced the drafting of the new Companies Act is when all subsidiary legislation to the Insolvency Act is completed. A decision as to how to proceed will be taken by Government at that stage.

550 **Hon. D A Feetham:** I appreciate and I will try to be as fair as possible with the hon. Gentleman and that it is a difficult question, but does he have a timeframe in mind for the commencement of the Insolvency Act?

Hon. G H Licudi: Well, no, Mr Speaker. As I have said, there are quite a number of regulations that need to be drafted and I am having a meeting next week with the draftsman involved in these matters and until I have those discussions, I really do not know how long that will take.

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**Courts Service
Increased staffing levels**

560 **Clerk:** Question 34, the Hon. D A Feetham.

Hon. D A Feetham: Can the Hon. the Minister for Justice confirm that the Government intends to increase staffing levels at the Courts Service?

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

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, shortly after my appointment as Minister with responsibility for Justice, the issue of staffing levels was raised at my first meeting with the Chief Executive of the Gibraltar Courts Service.

Following the increase in courtrooms now available and the appointment of a fourth Supreme Court Judge, there is a need to review the staffing levels in the Courts to help tackle the backlog of cases.

The Chief Executive has been asked to submit his requirements to the Chief Secretary. This will then be considered as part of the Government's review of the need for resources across the Civil Service.

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Hon. D A Feetham: May I remind him, before I ask my supplemental question, of a question that he asked me about this when our roles were reversed. He said:

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'What changes, if any, are envisaged in terms of staff arrangements in respect of a fourth judge, because one assumes that additional staffing needs will be required if there is a fourth judge and another court being operational at the same time? If there are two jury courts being run, you need extra clerks and extra staff, otherwise you leave nobody in office. What arrangements are being made in that regard?'

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I said the Government is actually reviewing the position – the same answer that the hon. Gentleman is giving me now, I gave to him – and he chastised me because he said that the Government should not be conducting a review. The Government should have an answer to that question.

Does he not accept that it is the height of political hypocrisy for the hon. Gentleman to adopt the same position that I adopted when I was in his shoes which, in the light of the position that he used to adopt when he was here...?

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Hon. G H Licudi: Mr Speaker, so it is hypocritical to adopt the position that he adopted. But what the hon. Member (*Interjection*) has not explained is precisely *why* I chastised him.

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We have been in office for five weeks. At the time of that debate the hon. Member had been in office for almost four years. There had been a building project that was started years ago, not five weeks ago, years ago, and was due to be completed, as the hon. Member has indicated. The information that he had was that that project was due to be completed in November.

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What I could not understand – and I still cannot understand – is that in a project that was designed years ago and where, clearly, there was going to be a need for a review of staffing levels because you knew exactly how many courts were going to be available and what the staffing needs were, that what the hon. Member was telling me at the time was, 'We are going to wait until the project is finished. We are going to wait until the building is finished, even though we have the plans now, even though we know exactly how many courts are going to be run and then, at the end of that process, we will review the staffing levels.' That is what I chastised him for and that is what I actually considered to be unacceptable.

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What I have told the hon. Member today is that, very shortly after coming into office, I raised this in my very first meeting with the Chief Executive, and the Chief Executive, what he has done... It is not for me to say, 'You put this extra number of staff here or there.' What the Chief Executive has been asked to do is to submit his staffing requirements and that is precisely the process we are engaged in. It is a process that should have finished long before the hon. Member left office. Well, we have been in office for five weeks. You cannot complain about us reviewing something when he had years to do it and never did.

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Hon. D A Feetham: Again, the hon. Gentleman is wrong.

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If the position is as simplistic as the hon. Gentleman has just outlined, which is he knew how many courts there were, he knew how many judges and he therefore must have known how many extra staff... Well, look, he knows that is the position that he has outlined. Does he not accept that he knows that knowledge is also... the hon. Gentleman knows exactly how many courts there are, exactly how many judges there are. Why can't he make a decision *now* if it were as simplistic as what he is saying it is?

620 **Hon. G H Licudi:** Mr Speaker, I cannot make a decision now because the Chief Executive has been asked to submit his staffing requirements. Only today I have seen, for the first time, what those staffing requirements are. That is a matter that will need to be considered. I have seen that for the first time today.

The hon. Member cannot expect that I am going to say, 'Well, fine. Go ahead and do whatever.'

Hon. D A Feetham: No, I didn't.

625 **Hon. G H Licudi:** He obviously cannot expect that, but I raised it in my first meeting. There was a public meeting of all... not a public meeting, a meeting of all Heads of Departments, that was conducted by the Chief Minister with the Chief Secretary and all Heads of Department were invited to submit their requirements, including the Chief Executive of the Gibraltar Courts Service.

630 I have today seen the letter of the Chief Executive to the Chief Secretary, with an organogram of staffing requirements – that is something that will have to be looked at, or is it that the hon. Member thinks that we are not entitled to look at anything, even though they had four years to look at this and never did?

635 **Hon. D A Feetham:** No, I am not, in fact. I think that the policy... (*Interjection*) the policy that the hon. Gentleman has just outlined is an eminently reasonable policy. I am not chastising him for the policy. I am chastising him for the position that he took when he was on my side and I was on his side – that is what I am chastising him for.

640 But isn't the reality of the situation, Mr Speaker that, in fact, the question of staffing levels at the courts is far more complicated than just simply the number of courts and the number of judges and that it also has to be looked at in terms of the IT resources available to the courts and factors of that nature. Isn't that the case?

645 **Hon. G H Licudi:** Yes, Mr Speaker, issues of staffing levels will depend on what other resources need to be available. Once the IT infrastructure is in place, which I expect will be in place very shortly after the... well, in fact, the cabling is being done as part of the project, but there will be a need for connections in terms of a sound system and PCs. Those physically need to be put in after the building is handed over by the contractor but, once that is in, the staffing levels that we are looking at are staffing levels in the court administration generally and, in particular, in relation to the running of various courts at the same time. That is the staffing exercise that will need to be conducted.

650 **Hon. D A Feetham:** Has the issue of IT in the courts, actually been settled yet?

Hon. G H Licudi: Mr Speaker, I am not sure what the hon. Member means by the 'issue of IT'? If he is talking about PCs which had been ordered when he was in office –

655 **Hon. D A Feetham:** And computer programmes to be available for staff.

Hon. G H Licudi: Well, as I understand it, PCs were ordered before we came into office and those PCs are there and are available and will be installed.

660 In respect of computer programmes, there is a need to look at precisely the software that is needed to manage the system to make the system compatible, for example, with the Police, where there is a lot of manual inputting that needs to happen, particularly at Magistrates' Courts level because the systems are not compatible. Those are issues that I am discussing actively with both the Gibraltar Courts Service and the Police themselves, but there is going to be a need for a study to be carried out in terms of the IT infrastructure, not the physical infrastructure, but the software infrastructure, and instructions have been given already, so a decision has been taken already for that study to be carried out.

665 **Hon. D A Feetham:** And does he not accept that that also has an impact, if he knew exactly how many staff are required at the Courts Service, the extra staff resources that might be needed in the Courts Service?

670 And also, by way of final supplementary, does the hon. Gentleman accept that, in fact, there is going to be a need to increase staff levels at the Courts Service, even though he might not be able to point out today, and I accept it, the exact numbers?

Hon. G H Licudi: No, Mr Speaker, I have said nothing about Courts Service. I have mentioned PCs. I

have not mentioned Courts Service at all.

675 **Hon. D A Feetham:** I would ask the hon. Gentleman, does he not accept the question of exactly what IT resources, the settling of the question of IT resources at the Courts Service, has an impact on the exact numbers that one would need by way of an increase?

680 I am also asking the hon. Gentleman to confirm that, I know that he cannot actually pinpoint the exact numbers in any increase, but does he accept that an increase in Courts Service numbers – numbers working at the Courts Service – will be needed?

685 **Hon. G H Licudi:** No, Mr Speaker, I do not accept there will be any need to increase the numbers in Courts Service. As I have indicated, the infrastructure that I was talking about was the installation of PCs, not service.

Hon. D J Bossino: I am sure the Minister has addressed this issue and he will forgive me if he has, but when is the Chief Executive expected to come back with the staff requirements to him?

690 **Hon. G H Licudi:** Mr Speaker, I indicated that the Chief Executive was asked to submit his staffing requirements to the Chief Secretary and, in fact, today I have seen a letter to that effect.

Hon. D A Feetham: But if the Chief Executive comes to the Government and says, 'We need five extra staff', can he give a commitment that that is what the Government will do?

695 **Hon. G H Licudi:** Mr Speaker, that is a hypothetical situation.

What I have said is that the Chief Executive has been asked to submit his requirements and that will be considered by the Government in the review of the Civil Service that is currently being carried out.

700 **Hon. D A Feetham:** With respect, it is not hypothetical to ask if more staff is requested, whether Government will accede to the request. And also, it is strange that the hon. Gentleman should adopt that particular line when he was saying, when he was in Opposition, that more staff *would* be needed because of all these reforms – that was the thrust of all his questions. He was saying more staff will be needed and, in fact, I was agreeing with him that more staff was needed and the position that I was adopting was, 'Well, we don't know the exact numbers.'

705 Will he now acknowledge that if the Chief Executive of the Law Courts comes back and says, 'We need extra staff', that the Government will honour that request for extra staff?

Hon. G H Licudi: No, Mr Speaker. The Chief Executive has been asked to submit a request and that request will be considered in the normal course of events.

710 The hon. Member cannot possibly say that it has been the policy of any government to commit itself before looking at and studying any requirements which may be submitted by the (**Hon. D A Feetham:** We did.) Head of any Department; but if any Head of Department was going to come in, say, two weeks' time to a Minister and say, 'I need *x*', that the Government was committing itself, two weeks in advance, to provide that. That, as I understand it, was not the policy of the previous administration and it is certainly not the policy of this administration.

715 The policy is to consider requests and, to the extent that those are reasonable, we will seek to accommodate those requests, but I cannot give a commitment as to the outcome of a process that involves the Chief Minister, involves the Chief Secretary – that is a process that will have to be undertaken as part of the Civil Service review which is currently being undertaken by the Office of the Chief Minister.

720 **Hon. D A Feetham:** With respect, we had actually committed ourselves to an increase in levels of staff. The only issue – because it was obvious to us there would be a need for an increase – is just a question of numbers.

725 But does he not accept that the position he is now adopting from the Government benches is a complete U-turn from the position that he adopted when he was here in Opposition?

Hon. G H Licudi: Absolutely not, Mr Speaker. There is no question of any U-turn. I have already

730 explained that what was at the heart of that exchange that the hon. Member has indicated was that the Government *ought* to have had foresight and proper planning, which was certainly not in place.

I have not said that there will be no increase in staff and therefore there is nothing to have a U-turn from. What I have said is that requests are being considered and a decision will be taken. What the outcome of that process will be, I cannot say because I do not have a crystal ball, but there is certainly no indication of any U-turn and no U-turn is intended or will be made.

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**Audit review of public buildings
Resolving disabled access**

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Clerk: Question 35, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state what... Sorry, I think I have got the wrong question. I will start again.

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Will the Government conduct and provide an audit review of public buildings, which at the moment does not allow disabled persons access, with a view to rectifying this?

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, the Government will undertake such an audit of public buildings and undertake reasonable adjustments, as required by law, so as not to discriminate against those with disabilities.

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Hon. J J Netto: I am grateful for that particular answer. Whilst obviously the intention is a generalised one, in terms of providing access to all disabled people where this is possible and feasible to do in public buildings, the reason why I prompted this question so early at the beginning of this Parliament session was perhaps in the context of parliamentary reform.

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One of the things I would ask the hon. Lady, and, in fact, I would ask the Hon. Chief Minister, is if there is one public building which, above all public buildings, we think is most important it is probably this Parliament and this Parliament, unfortunately, is not accessible to disabled people, particularly those who are in wheelchairs.

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In the context of the parliamentary review, Mr Speaker, perhaps within the answer that the hon. Lady has given, will priority be given, perhaps, that if we can be able to fit lifts, perhaps, in this building to allow disabled members to go into the Public Gallery or even, one day, perhaps, that we can have a disabled person in Parliament sitting in the Government benches or the Opposition benches... I am sure that, on both sides of the House, it would be something that we would be very proud of.

Hon. Chief Minister: Mr Speaker –

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Hon. J J Netto: The question is: will the hon. Lady or the Chief Minister give priority within the review within this particular building?

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Hon. Chief Minister: Mr Speaker, the answer to that has to be a non-partisan ‘yes’, because I think we all agree on the importance that this building has. It has had it for a long time. It is a pity there was not already, when we arrived, the capability for people to have the access to this building that they need if they are disabled in some way.

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Despite that, I do not think this is an issue on which we need to make partisan points. What we need to do is ensure that, as part of whatever review there is, we work together and, in particular, on issues on this, we deliver together to people who want to have access to this place, who desire to form part of the democratic process as such, that they are rightly not satisfied with simply listening to the proceedings of this House on radio or seeing it by the time that... or once we have decided that the whole proceeding should be transmitted in whatever way by video link also. Those who want to be here, we need to be embracing with open arms.

There are some people who are disabled in other parts of the world who have reached very high office in

785 other governments and we need to put this Parliament and the public service at the disposal of people like that. The Rt Hon. David Blunkett, a blind person, became Home Secretary in the United Kingdom and held other high offices of state, that being probably the highest, which was one of three highest offices of state.

So, Mr Speaker, I absolutely agree with the hon. Gentleman. It has not happened by the time that we have come into office, but that is not the issue. The issue is delivering it insofar as possible within the timetable in which those things can be delivered in the context of the Government's other priorities.

790 **Hon. J J Netto:** I am grateful for that.

795 **Disability Action Plan
Costs and starting date**

Clerk: Question 36, the Hon. J J Netto.

800 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what features and objectives the proposed Disability Action Plan will contain, what the cost involved is and by when will it be introduced?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

805 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Government will be meeting all representative organisations in the field of disability in order to establish the features and objectives that the proposed Disability Action Plan will contain. Once we have completed this process, we will then be in a position to assess the exact contents of the plan and will provide an estimate of the cost incurred.

810 **Hon. J J Netto:** Well, Mr Speaker, of course the Government will wish to consult as widely as possible in the development of a Disability Action Plan, but given that this is an important issue, at least for the party opposite to be able to mention in their manifesto, one would have thought that, despite consulting other people as to the details of the Disability Action Plan, at the very least the Government, or the party when it was in Opposition, would have had a general idea, a scope of what the issues that are contained within the Disability Action Plan.

815 What I am asking the hon. Lady is why they thought it so important to put it in the manifesto because, obviously, they must have thought there was a gap and a need to develop this, so what was the scope of the idea that would go within the Disability Action Plan? I am not asking for the details of the Disability Action Plan. At the end of the day, the Disability Action Plan, by definition, is nothing other than a pathway for the disabled people, whether to do in Education, whether it be in Employment, whether it be to do with participation in culture, in the arts etc. Will the hon. Lady at least give me a scope of what she thinks will be contained in the Disability Action Plan?

825 **Hon. Miss S J Sacramento:** Well, we have already had representations made to us from certain disability societies and certain disability movements, both before the Election and since taking office. However, this is a plan that we will hope to achieve, that we certainly will achieve in this term of office and it is not a plan that will be rushed. It is a plan that will be given careful consideration and will be given in-depth consultation to make sure that we meet the objectives of the service users to whom we will be delivering this plan. At this moment the Disability Action Plan is at an early stage.

830 **Hon. J J Netto:** Mr Speaker, with respect, I do not think the hon. Lady opposite has understood my supplementary question. Of course, the Department will take the time that it needs to be done and, of course, the Government will want to consult with as many stakeholders as is reasonable to do so, but that is not what was my supplementary question.

835 My supplementary question was: given that they felt it important during the Election to mention it on page 82, surely they must have concluded that there is a need of a Disability Action Plan to be able to do a number of things. I am not saying about what they are going to do over the next four years. What I am saying, the hon.

Lady, is what does she think that the Disability Action Plan will contain, regardless whatever the fruits of the consultation thereafter?

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Hon. Miss S J Sacramento: Mr Speaker, it seems that it is the hon. Gentleman opposite who did not understand my response.

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My response is that we are not going to tell people with disabilities what is going to be contained in the Disability Action Plan. We want *them* to tell *us* what the Disability Action Plan is going to contain. Therefore, we have already started the consultation process. Clearly, given that we have not been in office for barely two months yet, it is still at a very embryonic stage. *(Applause)*

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Hon. J J Netto: Mr Speaker, I am afraid that the hon. Lady is simply not listening to what I am saying. *(Interjections)* I am not telling her –

Hon. Miss S J Sacramento: Mr Speaker –

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Hon. J J Netto: Mr Speaker, I know that the hon. Lady is new to this Parliament, but she has to accept and understand that if I am on my feet about to ask a question, she has to have the patience to sit down and listen to the question.

Mr Speaker: I think that is a bit unfair, personally. Worse crimes have been committed in this Parliament!

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A Member: Hear, hear.

Hon. J J Netto: Well, Mr Speaker, well, I do not know whether... well, I had better not say.

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Mr Speaker, I understand that she will want, along with other stakeholders, to enter into a process of consultation in order to develop, eventually, the details of the Disability Action Plan, but that is not what I am asking. What I am asking her, regardless of whatever the views of other disability representative groups, what *her* views are in relation to the Disability Action Plan for which they think it was important enough to put in their manifesto? That is what I am asking.

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Hon. Miss S J Sacramento: Mr Speaker, at the risk of repeating what I have said earlier, I want to make it clear that I do not wish to pre-empt what the ultimate service users are going to ask me what they think is required as part of the consultation process that the Government is going through with them.

A Member: Hear, hear.

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Hon. J J Netto: I am not going to hold a gun against her head just because this is embryonic or because I am trying to pre-empt. All I am asking, Mr Speaker, is whether she has *any notion whatsoever* what the Disability Action Plan is going to be – yes or no?

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Hon. Dr J E Cortes: Mr Speaker, if I may assist here, the word is ‘consultation’ and the hon. Member must remember that when you consult, you listen to people and you do not try to direct. Unfortunately, he was a Member of a Government where often consultation papers sounded more like decrees. That is not the way we are going to do things. We are going to listen to the people and, after that, of course we will contribute our side, but we want to hear what they have to say because we do not want to impose our wishes. We want to listen to the people. These groups are the ones that know more about it than anybody else.

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Hon. P R Caruana: Mr Speaker, I entirely agree with the hon. Member opposite, except his allusions to the previous Government. *(Laughter)*

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Does he nevertheless not agree that, laudable as it is to consult other people and seek their views to take them into account, consulting other people to find out their views is not an alternative to having views of your own, or is the Government saying that it will simply do, on this and every other issue, what other people say to them needs doing? That is not what a Government is, and that is not what people expect of a Government.

So the question, which sounded to me rather simple and did not require all this banter, was simple enough, and I will illustrate it for him if he wants. Notwithstanding that they are laudably going to consult, and

895 separate to what other people may say to them is their view or preference in that consultation, do *they* have a view? For example, let me jog their memory. It is not the case that they will do only what the consultation process say because their manifesto says:

900 ‘...that in Government we will adopt the proposal for a Disability Action Plan which we will develop in close consultation with the Gibraltar Local Disability Movement and their relevant representative organisations. This will include action to increase the number of disabled parking bays and to control abuse of parking spaces...’

So that we know now, from reading their manifesto, that regardless of the consultation process, it is their view that the plan will include at least the number of disabled parking... Now, is there anything else, or do they have no view beyond what should be in such a plan beyond those two points?

905 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman laudably continued to read beyond the sentence that appeared to have prompted the question – so already he sees that there are other issues there.

910 If he carries on reading the rest of the page, Mr Speaker, he will find a lot of other things, which will necessarily, if we do them, form part of a Disability Action Plan. For example, the issues relating to respite, future planning for the disabled, the disability laws, the import duty waiver that disabled people should be entitled to, the changes in the way the Disability Allowance is granted, home help, funding, orthopaedic equipment, sheltered employment, how we will deal with the blind, all of those things must be an indication to the hon. Gentleman and Lady opposite of the things that would form part of the plan.

915 I think it is absolutely right when you go to a consultation not to say necessarily, ‘This is what we want to do. Is it okay? Have you got other ideas?’ It is equally valid to say to people, ‘Look, can we have your ideas?’ and, of course, we have been doing that in Opposition and we know what their ideas are and that has informed our thinking on the whole of the page and the action plan will be further informed by that thinking.

920 The thinking that already forms part of the manifesto is the basis of what an action plan will include in some parts and other things will come through as a result of the consultation. On this issue, I think that there should be very little for us to disagree with.

Life planning for disabled persons Features, costs and implementation

925 **Clerk:** Question 37, the Hon. J J Netto.

930 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what features of the programme of life planning for disabled persons will have, as stated in their manifesto, what the costs, if any, are, and when will they implement this policy?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

935 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as a preliminary to the life plan, the Government is in the process of identifying individuals with a disability first, so that we can then proceed to make an assessment of their needs. This is at an early stage.

940 **Hon. J J Netto:** Well, again, Mr Speaker, fine, they can assess the needs, but that does not answer the question as to what the features of the life programme will contain.

Are we talking about, perhaps, either some other life planning schemes run by other jurisdictions which look into income and expenses, life skills, educational skills, etc etc. In other words, are they copying the model of, say, the UK model? Are they copying a model of the Australian model? Are they doing a hybrid of the two? What features will it contain?

945 **Hon. Miss S J Sacramento:** Again, I will refer to those features that have already been highlighted in our manifesto, which are features that relate to people with disability; but, clearly, before we can identify what feature will relate to each person, we first need to identify what disability each person has.

950 **Hon. J J Netto:** Mr Speaker, does the hon. Lady know how long this process will take?

Hon. Miss S J Sacramento: I cannot at this stage say how long this process will take because, unfortunately, I am finding difficulty in undertaking the first audit of identifying who has a disability and what disability this is.

955 **Hon. J J Netto:** Mr Speaker, doesn't the Care Agency, in relation to the ??? that deals with disability have a register of disabled persons and the disability that that particular person has?

960 **Hon. Miss S J Sacramento:** Mr Speaker, as far as I am aware, the Care Agency has a register of disability of people who come within the remit of the Care Agency, such as the people who use the facilities at St Bernadette's, Dr Giraldi Home and the other care homes, but not of the general public in Gibraltar, Mr Speaker.

965 I am, however, at the stage where I have asked for the information from all the different Government Departments in order to collate a database of people resident in Gibraltar with disability and what their disabilities are.

970 **Hon. J J Netto:** I accept the fact that, perhaps, the only information available to her is information with regard to disabled people who are being provided a service by the Care Agency and not necessarily by all disabled persons in the community. I accept that, but, given that at the very least she has the information in relation to disabled people who have a service by the Care Agency, at the very least in relation to them, she can start the process of a scheme for life planning. Is that not the case?

975 **Hon. Miss S J Sacramento:** Well, Mr Speaker, first of all, one would expect that those that come under the umbrella of the Care Agency already have a certain element of planning. However, what is not desirable in this exercise is for us to go through it piecemeal. First of all, what we need to do is identify the needs and our project can commence from there, Mr Speaker.

980 **Increased Home Help
Date and cost of introduction**

Clerk: Question 38, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what aspects of Home Help will be increased, as stated in the Government's manifesto, by whom, when it will be introduced and what the extra cost will be?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

990 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a study is currently being undertaken. Phase one of that study will be to identify what aspects of help individuals require in their homes.

995 Phase two of the study relates to the cost of that service and then phase three of that study will be to identify who will provide that service.

Hon. J J Netto: Mr Speaker, in relation to the study, presumably what she means, that the ... What I am trying to get at is what is the type of Home Help that is required?

1000 Are we talking about here 'Home Help' in the sense of, perhaps, providing extra care workers in order to provide some kind of a respite, or perhaps some kind of a sitting service, or perhaps in their own flat in the community? Is that what she means by Home Help or does it mean something else completely?

Hon. Miss S J Sacramento: Well, Mr Speaker, the first issue that we are tackling is that of domiciliary care because, unfortunately, I have inherited a waiting list of people who want domiciliary help and, as of last

- 1005 week, Mr Speaker, the number of people in Gibraltar who require domiciliary care is 309 people.
There are people on this waiting list for domiciliary help dating back to 2003, 2005 and 2006, so the most urgent task that has been undertaken in this regard, Mr Speaker, is to assess the needs of those people on the list and the urgency that may be required for domiciliary help and the level of domiciliary help that may be required.
- 1010 **Hon. J J Netto:** Mr Speaker, I detect a tendency, probably started by the Hon. Dr Cortes, in relation to try and score cheap political points (*Interjections*) and trying to say, 'Well, you know, we have got a waiting list of 309.'
Well, let me tell the hon. Lady that domiciliary care did not start with the GSLP Government; it was started by the GSD Government. It started with the GSD Government in 2002, with a budget of £160,000.
- 1015 Currently, this financial year... a current budget of £750,000 and that shows the extent to which the commitment of this GSD Government in relation to providing this kind of help to a lot of people. That is the first thing I have got to tell the lady.
But the purpose of me standing up is for the purpose of asking questions, not going backwards... and the purpose of my question is to try and identify whether the domiciliary..... the increase in Home Help, is it going to be targeting, in this particular case, just the elderly or elderly and the disabled, and whether we are talking about here, Mr Speaker, in providing more assistance by way of care workers or perhaps even other things that may be needed by these particular groups of people?
- 1020 Can she give an answer to that?
- 1025 **Hon. Miss S J Sacramento:** Mr Speaker, if I wanted to score cheap political points, I would have told the hon. Gentleman opposite that it was his Government who had a statutory obligation to make sure that this building did not discriminate against disabled people since 1st March 2007, when the Equal Opportunities Act came into force. I did not do that, Mr Speaker.
All I have done is I have stated the facts that –
- 1030 **Hon. P R Caruana:** You have just! (*Interjection and laughter*)
Hon. Miss S J Sacramento: – the waiting list (*Interjections*)
- 1035 **Mr Speaker:** Order, the Hon. Minister is trying to... (*Interjections*) Order! The Hon. Minister is trying to answer the question.
Please continue.
- 1040 **Hon. Miss S J Sacramento:** Yes. So in answer to the question is that immediately what concerned me and alerted me to this problem, having found that 309 people in Gibraltar needed domiciliary care, is to assess what kind of domiciliary care they need.
Now, in answer to the question, as to whether this would just be restricted to the elderly or also extended to the disabled, then my answer to that is that it will be extended to both and any other person who may need domiciliary care, as may be assessed by the Care Agency as necessary and as relevant, Mr Speaker. At the moment what we are doing is assessing the needs of the people on the list, because there has not even been an assessment of need, or of urgent need, of the people on the list.
- 1045 **Hon. J J Netto:** I take issue with that particular comment, because when people put their name on the list, for domiciliary care, the people in charge of domiciliary care take into account the needs of that particular person, so it is not true to say that there is no knowledge about the needs of people who put their name for domiciliary care. There is.
When she goes back to the office and when she calls the relevant people to do that, she will find that there is an assessment on the needs of the particular person. In the vast majority of the cases she will find there is a need, perhaps, for more money as we were committed to do to increase it, as we have been increasing it since 2002, right, to be able to give those particular people, more care workers to be there for particular hours during the day.
- 1050 She can do all the assessment and all the consultation she wants, but if she wants to start tackling the problem, she is going to have to put more money into the kitty, as we have done. (*Interjection*) and she can do
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1060 it right now, regardless of how much she wants to assess. So the question is, can she start implementing the policies in her manifesto, which will produce a positive result?

Hon. Miss S J Sacramento: Mr Speaker, the short answer is, yes, but I would also like to ask the hon. Gentleman opposite, that if he knew the answer to the question, then why ask?

1065 Having said that, actually, it is not the case that there is assessment of all the people on the list because, otherwise, enquiries that I have been receiving since I have been in office for under two months, or even a month and a half, I have been receiving enquiries from people who have been on the domiciliary waiting list for over two years and have never had an assessment done, Mr Speaker.

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**Care Agency staff
Training programme on child protection**

1075 **Clerk:** Question 39, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services confirm that she will continue with the previous Government's training programme on child protection for the Care Agency staff and all other stakeholders and, if so, provide a breakdown of the persons involved in 2012 across public sector organisations, the level of training and when?

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Clerk: Answer, the Hon the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that such training will continue and, in fact, will be wider and more robust.

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I can confirm that the Safeguarding/Child Protection Training programme will continue to be delivered to employees of the Gibraltar Health Authority, the Education Department, the Royal Gibraltar Police and the Care Agency.

In respect of tier 1, Safeguarding/Child Protection and Training, it is proposed that there be one training session each month, as from February through to December, except during the month of August.

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In respect of tier 2, Safeguarding/Child Protection and Training, there will be training sessions in February, June and October 2012.

I now hand to the hon. Member a handout with the proposed training dates and, in addition to this training, there also will be a child protection conference, second child protection conference during late summer/early autumn 2012.

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The Hon. J J Netto: Mr Speaker, I am grateful for that information and I am grateful also for the fact that she will be continuing with the programme started by the GSD government in relation to these particular training courses being provided, not just to the Care Agency staff but, indeed, all front-line staff of other Government departments and other authorities and agencies in such provision.

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Can I ask the hon. Lady, in relation to the training that took place a couple of days ago in Bleak House, who was the person who delivered the training there, Mr Speaker?

Hon. Miss S J Sacramento: I am happy to answer that, Mr Speaker, but that was not child protection training, that was DCRT training, not directly related to the question.

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I am happy to answer it, nevertheless, it was Mr Alan Benn.

Hon. J J Netto: Alan Benn. Sorry, I did not quite catch –

Hon. Miss S J Sacramento: I understand he has been providing training for the Care Agency in the past.

1110

Hon. J J Netto: Right. Can the hon. Lady tell me what the aim of this training was?

Hon. Miss S J Sacramento: Mr Speaker, as I said, this question is not related to the original question, it is

1115 in relation to completely different training. I am happy to respond to it.

Mr Speaker: Well, it is up to the Minister if she wishes to provide the information. If she can't, she can't.

1120 **Hon. Miss S J Sacramento:** The DCRT training which was provided last week was in relation to training care workers in dealing with children who have particularly challenging behaviour.

Hon. J J Netto: Right, well, I am grateful for that.

1125 So, basically, if I can jog her memory, the aim of the training was to be able to teach students about awareness of current legislation relating to conflict resolution training, to be able to teach safe breakaway techniques and positive handling strategies, teach students the importance of post-incident analysis, reporting and recording staff and services users support after an incident. That was the aim of the conflict resolution training two days ago, then, by Alan Benn?

1130 **Hon. Miss S J Sacramento:** Yes, it was not conflict resolution provided two days ago. In fact, the training commenced last week, Mr Speaker.

Hon. J J Netto: So, in fact, this particular training was part of the training that was announced by the Care Agency in establishing a development programme for January to December 2011. Can she confirm that?

1135 **Hon. Miss S J Sacramento:** No, Mr Speaker. This is different training, in addition to the training which we had to organise as a result of certain events: this was training that was organised at short notice. It was a five-day training: it is not the training that had already been programmed by the Care Agency.

1140 **Hon. J J Netto:** Could the hon. Lady, Mr Speaker, the hon. Minister, then reconcile the fact that she seems to agree that the training has been delivered by Alan Benn, she agrees with me what were all the aims of the training provided, she will agree with me that it was inserted into the report of the staff training and development programme for December 2011. The only thing that was left in the report, if she – I do not know whether she has got it in hand – but she can look at it, was that a date had to be confirmed, so everything that happened two days ago was scheduled to happen last year? Will she not agree with me?

1145 **Hon. Miss S J Sacramento:** Mr Speaker, can I ask the hon. Gentleman opposite if he is referring to a Care Agency document which is not in the public domain? Is this the document that the hon. Member is referring to?

1150 **Hon. J J Netto:** Mr Speaker, I am referring to the note which, if she wants to cross the floor and sit between Hon. Mr Figueras and myself, she can look at for herself.

Can she answer the question, then, which is, if she agrees with me that the course was delivered by Alan Benn, if she agrees with me on the aim, if she agrees with me that the course was inserted and planned for last year, right, does she agree with me with all of that?

1155 **Hon. Miss S J Sacramento:** No, I do not, because although there was a course which was planned for now, it is not *this* one.

1160 This is a more intense course that was planned as the result of certain incidents, Mr Speaker. It is a new course that was planned a couple of weeks ago, which Alan Benn has already delivered training on these themes. This is not a training course that was delivered to students, it was a level 2 training course, a more intense training course delivered to care workers already in employment and it is a more intense training course than that which was envisaged would be provided at the time when the training programme was commenced, Mr Speaker.

1165 **Hon. J J Netto:** The hon. Lady says that this training almost came about in a kind of emergency way, because there were some incidents. Perhaps she can enlighten us, what incidents she is referring to, and when was the date of the incident that prompted, in such an emerging way, in such a rush and emergency way, to get Alan Benn to get into an aeroplane at Gatwick or wherever he lives in the UK and rush here to prepare this course? Can she, therefore, tell us what incident prompted such an emergency to get this man in an aeroplane,

1170 to come to Gibraltar, to deal with this particular course?

Hon. Miss S J Sacramento: Mr Speaker, perhaps the hon. Gentleman could give notice of the questions he wishes to ask. This one is not related to his original question and if a decision to implement certain training is taken as a result of any incident, then, Mr Speaker, it is done as a responsible measure and it was done because of that.

1175 I will not... I do not think it is appropriate to give any further details in relation to anything. I am happy to do so to the hon. Member in private, Mr Speaker.

Hon. J J Netto: I am not asking for things to be said in private, what I am asking her, Mr Speaker, is that, if something serious happened – let us leave aside the details of what happened – but something happened in the last four weeks, surely, as Minister for Social Services, she would have been so concerned about it, right, that she would know when the date of the incident was, which then resulted in her giving instruction to the Care Agency to get this man into an aeroplane, to come to Gibraltar, to get a booking in Bleak House and get all the staff in Bleak House to attend this emergency course?

1185 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, it is called being efficient, although that is not a question, but, yes –

Hon. J J Netto: I am asking the hon. Lady, Mr Speaker, when was the date of such a serious incident to get this man into an aeroplane to come to Gibraltar? (*Interjection*)

1190 **Hon. Miss S J Sacramento:** Mr Speaker, I was satisfied that the incident was serious enough to warrant the organisation of this training. It is training that was organised as the result of an event and not one that was already in the training plan last year, Mr Speaker.

1195 I have already answered the question.

Hon. J J Netto: Mr Speaker, with respect, if this is so serious an incident, does she not remember when it happened? Was it – let's see – they got into government on 9th December. Did it happen before Christmas, or after Christmas?

1200 **Hon. Miss S J Sacramento:** Mr Speaker, this is the result of certain incidents which, in fact, commenced in early December. They continued during December and reached the stage, where, at the end of December/early January it was necessary to take the action that was necessary, which was to make arrangements for a specialist trainer to come and deliver intensive level 2 training, a five-day course to 16 care workers working at the residential homes.

1205 **Hon. P R Caruana:** Mr Speaker, obviously without transgressing into any giving of public details that the hon. Lady may feel is inappropriate, certainly none that identify anybody, is there anything that the hon. Lady can say of the *nature* of the incidents that caused her to take this serious view. In other words (*Interjection*) well, yes, but no-one in suggesting... no-one is blaming you for the incident. I was just asking whether there is anything she can say to identify the *type* of incident. (*Interjection*)

1210 I mean, was it child abuse, was it bad fire drill practice, was it pilfering from... you know, what was it? (*Interjection*)

1215 **Hon. Miss S J Sacramento:** Mr Speaker, I do not believe it is appropriate for me to provide details. It is just something that has been ongoing since early December, Mr Speaker.

Hon. P R Caruana: I am not asking for details, I am asking just for a general categorisation of the matter. Are we talking about abuse of power, are we talking about child abuse, are we talking about pilfering, are we talking about bad hygiene practice, I mean, no-one is asking her to identify *anything* by way of detail about a particular incident, I mean, you know, what sort of thing is going on in the Care Agency since early December? I mean, if she thinks there is nothing she can say, but it is pretty odd there is nothing that can be said.

1220 **Hon. J J Bossano:** Mr Speaker, I think if the hon. Member opposite asks the person responsible before

1225 the Election for the nature of the problem that was having in control in certain circumstances, then the Minister responsible at the time was aware of the problem and the problem got progressively worse. Therefore, the advice provided was that the people in employment were having difficulty in keeping that situation under control and needed a professional input.

1230 **Hon. P R Caruana:** Oh, I see, so it was staff training to assist the staff in better handling an evolving and worsening situation around a particular person. Fine.

1235 **Hon. J J Netto:** Can the hon. Lady perhaps telegraph me whether we are talking about a particular person, which in my time in office or perhaps I will drop it... if I drop it now, will the hon. Lady be able, on a confidential basis, to provide me with the detail of that particular person – (*Interjection*)

Hon. Miss S J Sacramento: Mr Speaker, as you may recall, I offered to do that in my first answer, but not telegraph it across the floor. Maybe the hon. Gentleman may be happy to discuss it with me later. I am happy to discuss it with him on a confidential basis, as I have already informed him that I will be providing him with confidential answers to certain questions that he has asked.

CON'TD ANSWER TO QUESTION 39 OF 2012

The proposed dates for Tier 1 Safeguarding/Child Protection Training are:

1240 22nd February 2012
20th March 2012
19th April 2012
23rd May 2012
12th June 2012
4th July 2012
18th September 2012
18th October 2012
21st November 2012
5th December 2012

The proposed dates for Tier 2 Safeguarding/Child Protection Training are:

9th-10th February 2012
21st-22nd June 2012
25th-26th October 2012

In addition to the above the Child Protection Committee will be planning its second annual Child Protection Conference during late Summer/early Autumn 2012.

1245 **Child Protection Team
Resources available and cost**

Clerk: Question 40, the Hon. J J Netto.

1250 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what resources over and above current ones will be made available to the child protection team, the cost involved and by when will this be available?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1255 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a complete review of the structure of Social Services has already commenced with a view to identifying what resources are required. Once known, this will be costed.

Hon. J J Netto: Does the hon. Lady know how long that review will take place?

1260

Hon. Miss S J Sacramento: This review will be done quickly, because it is something that needs to be resolved quickly. If additional resources are required, then they will be provided quickly.

1265

Hon. J J Netto: Mr Speaker, without wishing to sound pedantic, but when the Hon. Chief Minister used to be on this side of the bench, he used to chastise us on the definition of 'quick'. How quick is quick, he used to say quite often. Can she give us, at least, whether we are talking about weeks, are we talking about months, are we talking about – what – an indication of how quick is quick?

1270

Hon. Miss S J Sacramento: As quick as is needed to do it properly, but as soon as possible.

Hon. J J Netto: Does that mean a day, a week, a month, six months?

1275

Hon. Miss S J Sacramento: Mr Speaker, it is envisaged that it will be done as soon as possible. It could be a number of weeks. It could be a month or two. At this stage I do not know yet. It may be that the review is ongoing, but certainly, I envisage there will be changes to the structure very shortly.

Hon. J J Netto: I am deeply grateful.

1280

Care Plans Documentation criteria

1285

Clerk: Question 41, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if all care plans have been fully documented by all relevant staff associated with the individual care plans, needs and objectives within the Agency and, if not, why not?

1290

Clerk: Answer, the Hon. Minister for Equality and Social Services.

1295

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the answer is yes. When a child is first brought into public care, placement plans and an essential information record are presented and completed. This information is then transferred into a residential plan. The objectives of the task identified on the residential plan are translated into a day-to-day plan for each looked-after child, which will highlight meetings, appointments, contacts and the basic needs of the child, including health, education etc.

1300

This document will enable the staff to understand the child's routines and likes and be able to manage behaviours. All looked-after children have an allocated key worker who is responsible for the completion of the tasks identified in the residential and day-to-day plan. All looked-after children are subject to placement reviews, which will result in the residential and care plan being updated. This ensures that plans are continuously monitored and meet the changing needs of every looked-after child.

1305

Hon. J J Netto: I am grateful even though I am very well acquainted with the details of the care plan, as introduced by ourselves.

The point I was trying to labour on, Mr Speaker, and the reason why I have put this particular question here, is because when we moved most looked-after children into Tangier Views we had, for a short period of time, some teething problems with a minority of staff there, who were refusing to??? some of the care plan... not entirely to the care plan...

1310

It is something which I took very seriously with the senior management, because obviously that was unacceptable. The reason I was prompted to ask this particular question is that are they being complied with and the answer the hon. Lady has given me is that it is something that has been dealt with successfully and the care plans have been fully met by the people employed in the Care Agency, so I am grateful for that.

1315

**Court requirements for looked-after children
Meeting Care Plans**

Clerk: Question 43, the Hon. J J Netto.
I beg your pardon, Question 42.

1320

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if all Court requirements for looked-after children, as reflected in the care plans (that is Care Agency, Education, Health etc) are being met and if not, why not?

1325

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to report that they are being met.

1330

Hon. J J Netto: I am grateful for her answer and I am very pleased they are being met.

Once again, the reason why I am prompted to ask this particular question was because, at one time, for a short period of time, we did have problems on the Health Authority side in coming on board with their contribution within the care plan. It is something that we took up with the senior management of the Health Authority and the problem was that GPs did not want to make the contribution that was needed from the Health Authority to ensure that that part of the element of the care plan which dealt with health matters were being looked after.

1335

So perhaps, what I am asking, in this case, the Hon. Minister for Health, Dr Cortes, that he would not mind keeping an eye on this particular issue to ensure, through his senior management, that his GPs do comply with this requirement because, at the end of the day, it is quite an important and significant element of the care plan, as dictated by the courts.

1340

Hon. Dr J E Cortes: Mr Speaker, I will assure the hon. Gentleman that I am keeping a close eye on many things and also to assure him that the Health Authority and the Care Agency are working together extremely well and possibly better than ever before.

1345

**Unallocated referrals of children
November and December 2011**

1350

Clerk: Question 43, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if, in the months of November and December 2011, there were any unallocated referrals of children waiting for a service, and if so, provide a breakdown of the risk to any such children.

1355

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1360

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to report that, during the months of November and December 2011, the child protection team had no unallocated referrals. Of course, it was not until July 2011 that the backlog of unallocated referrals were dealt with, because, in November 2010, there was a point when there were 52 unallocated referrals outstanding. In May 2010 there were 119 children referrals unallocated and outstanding and in February 2009 the figure was 101.

1365

I can confirm that in November and December 2011 there were none unallocated.

Hon. J J Netto: Obviously, the hon. Lady feels obliged to try and score cheap party political points, but does she not recognise that the reason why there were not any unallocated referrals in October, November, December, was the result of the fruits of the GSD Government by introducing the Children Act and by having more social workers? This is the reason why you do not have any unallocated cases now.

1370 **Hon. Chief Minister:** Mr Speaker, it is Question Time, not 'justification of my sixteen years of Government's time'.

1375 **Hon. J J Netto:** Mr Speaker, I am sorry, it is the hon. Lady who is trying to score cheap party political points.

Hon. Chief Minister: Mr Speaker, it is the hon. Gentleman who has to get up in this House in this part of the Order of the Day to ask questions.

1380 **Mr Speaker:** But I think that was a preamble, which asked the hon. Lady to recognise the fact that there were no unallocated referrals during October, November, December was due to the efforts of his Government. That is what I understood the question to be.

1385 **Hon. Miss S J Sacramento** I can state that, as a matter of fact, there are no unallocated referrals in November and December 2011. That is a matter of fact.

Hon. J J Netto: Mr Speaker, I am grateful for the fact that she acknowledges the success of the GSD Government when there. (*Interjections and laughter*)

1390

**Looked-after children
In employment, education or training**

1395 **Clerk:** Question 44, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services confirm that all its looked-after children are either in employment, education or training and if not, why not?

1400 **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, they all are. Out of the 41 looked-after children, 34 children are in education, seven are registered and are awaiting placements in a vocational training scheme.

1405

**Care Agency
Incidence of bullying or harassment**

1410 **Clerk:** Question 45, the Hon. J J Netto.

1415 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any acts of bullying or harassment in the Care Agency, since this policy was launched and, if so, can a breakdown be provided showing the number of occasions by month, type (that is, verbal, non-verbal, physical or corporate bullying by line managers etc.) and whether informal or formal measures have been instigated?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1420 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** The Care Agency's bullying and harassment policy was launched on 17th November 2011. However, I understand this is still in draft format.

I am informed that this policy has not, in fact, been ratified and is therefore not in force. As such, no complaints of bullying and harassment can be made under this policy.

1425

Hon. J J Netto: Mr Speaker, that is news to me.

The policy *was* launched actually and was launched with the support of the union representative. In fact, they were actually the instigators of getting the bullying and harassment policy going. It is something, Mr Speaker, that was launched and I remember rightly now, we made it official with a press communiqué, with a press statement, so the actual policy was initiated, so I do not see why the hon. Member says it has not been initiated.

1430

So the question is, Mr Speaker, for the period in which it was launched, right, were there any acts of bullying during that period?

1435

Hon. Miss S J Sacramento: Mr Speaker, I am advised by senior management that there was a launch but, following the launch the policy was not signed off, was not ratified and therefore not enforced.

This was a question that I asked, because obviously in answer to this question, I asked for a copy of the bullying and harassment policy. The document that I got was in draft. When I queried whether this policy was still in draft, or whether perhaps I had mistakenly been given the wrong document, I was informed by senior management – and again I have queried this today – whether this document is in draft or not, and I have been assured there was a launch on 17th November. I accept there was a launch, I said that in my first answer, but senior management advised me that it was not ratified, therefore not in force. So if it is not in force, no complaints can be made under this policy.

1440

1445

Hon. J J Netto: Mr Speaker, the only reason why the hon. Lady has got a copy of the report there with the word ‘draft’ on the front page is because she has a previous draft that has been given to her. If she cares to look at the draft that was given which was attached to the press statement, obviously it did not have the word ‘draft’ on there.

The only person that sanctions the policy was me, by doing it publicly, so it is not in draft form, it was officially launched and made public to the press.

1450

Hon. Miss S J Sacramento: Mr Speaker, I have checked this point today again, because I was concerned that the document I got said ‘draft’ on it. I therefore checked the matter and I have been assured by senior management at the Care Agency that the document is still in draft. I am told that, in order for it to be enforced, it needed to be ratified and signed by the Minister and that the document was not signed by the previous Minister.

1455

That is what I have been told by senior management, Mr Speaker.

1460

Hon. J J Netto: With respect, if the hon. Lady asked to get a copy of the press statement when I launched the policy, right, she will find that that, by definition, makes it official and is ratified. It may not have, on a little corner by the page, where it is signed or not signed, but if the Minister actually makes a press statement, having done all the consultation process, both internally with management and externally with the union which instigated this policy, and I launch it officially, then it is the official policy of the Care Agency.

I am sorry, Mr Speaker, that is the official policy of the Care Agency, because the Minister has officially launched it, having completed the consultation process. That is the fact, so what I am saying, Mr Speaker, having launched it officially, for that period in time, was there any act of bullying or harassment? (*Interjection*)

1465

1470

Hon. Miss S J Sacramento: Mr Speaker, I am not aware that a press release or a press conference brings a document into force or ratifies a document. I am, of course, conscious of my duty to this House and therefore I have checked more than once with senior management on the position and what I am advised by senior management is that this document is not in force, because it required a signature by the Minister and such signature did not happen. Therefore, the document, I am told, is not in force, Mr Speaker.

1475

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, can the hon. Lady confirm, the Hon. Minister confirm, whether she intends to commence the policy herself, then? (*Interjection*)

Hon. Miss S J Sacramento: Mr Speaker, this is a matter that needs to be reviewed with the Care Agency

1480 and, of course, in line with this Government's Command Paper on the same matter. It is not a commitment that I can make today, Mr Speaker.

1485 **Care Agency Residential Homes
Recordable acts of violence**

Clerk: Question 46, the Hon. J J Netto.

1490 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes from 8th December 2011 to date and, if so, could she provide a breakdown showing the date of the incident/s, whether the incident 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?

1495 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Yes, I have a handout of these incidents which I would like to pass to the hon. Gentleman.

ANSWER TO QUESTION 46 of 2012

TABLE SHOWING RECORDABLE ACTS OF VIOLENCE WEF 8/12/11

INCIDENT DATE	INCIDENT BETWEEN		OUTCOME
4/1/11	Child	Carer	NO MEDICAL ATTENTION
2/1/11	Child	Carer	NO MEDICAL ATTENTION
28/11/11	Child	Carer	NO MEDICAL ATTENTION
28/11/11	Child	Carer	MEDICAL ATTENTION
8/12/11	Child	Carer	NO MEDICAL ATTENTION
8/12/11	Child	Carer	NO MEDICAL ATTENTION
11/12/11	Child	Carer	NO MEDICAL ATTENTION
12/12/11	Child	Carer	NO MEDICAL ATTENTION
11/12/11	Child	Carer	NO MEDICAL ATTENTION
12/11/11	Child	Carer	NO MEDICAL ATTENTION
20/12/11	Child	Carer	NO MEDICAL ATTENTION
12/12/11	Child	Carer	NO MEDICAL ATTENTION
14/12/11	Child	Carer	MEDICAL ATTENTION
19/12/11	Child	Carer	MEDICAL ATTENTION
19/12/11	Child	Carer	NO MEDICAL ATTENTION
20/12/11	Child	Carer	NO MEDICAL ATTENTION
24/12/11	Child	Carer	NO MEDICAL ATTENTION
24/12/11	Child	Carer	MEDICAL ATTENTION
25/12/11	Child	Carer	NO MEDICAL ATTENTION
27/12/11	Child	Carer	NO MEDICAL ATTENTION

1500 **Hon. J J Netto:** Mr Speaker, whilst the answer is coming through, could I proceed with my supplementary?

Mr Speaker: Yes, certainly.

1505 **Hon. J J Netto:** Following the incident, whatever the incident and the number of incidents and the nature of the incident, is the Minister satisfied that the right protocols have been invoked after the incident?

Hon. Miss S J Sacramento: I am sorry, Mr Speaker, I did not hear the question.

1510 **Hon. J J Netto:** Mr Speaker, what I am saying, following the incidents – obviously, I am presume she would be informed, just like I was informed before – and is she satisfied that the right protocols of the Care Agency were invoked post incident?

1515 **Hon. Miss S J Sacramento:** Not only am I satisfied that the protocols have been properly employed, but we went over and above, because it is as a result of these incidents that we arranged for the level 2 DRC training by Mr Alan Benn.

Hon. J J Netto: As a result of the incident, were incident forms filled after the incident?

Hon. Miss S J Sacramento: Sorry, I did not hear that, Mr Speaker.

1520 **Hon. J J Netto:** As a result of the incident, was incident forms filled after the incident?

Hon. Miss S J Sacramento: Mr Speaker, I would expect that they were.

1525 **Hon. J J Netto:** Would the hon. Lady, when she has the opportunity to go back to her office, confirm that?

Hon. Miss S J Sacramento: I am happy to confirm it. I do not have the actual information. I will confirm it to the hon. Gentleman on a confidential basis.

1530 **Mr Speaker:** The Hon. Daniel Feetham.

1535 **Hon. D A Feetham:** Do these incidents that the hon. Lady has listed in the schedule that she has been so kind as to produce to this House, do they relate to the incident we were talking about a few moments ago, when the hon. Lady said that she...

Hon. Miss S J Sacramento: Yes, Mr Speaker, the incidents that commenced on 28th November 2011.

1540 **Hon. D A Feetham:** So, effectively, what we are talking about, just so that we are clear, is that there were incidents on 28th, two incidents on 28th November last year and then there is a plethora of incidents as from the date of the General Election on 8th December and all the way through to the end of December? That is correct, isn't it?

1545 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, although some of the incidents do not relate to the same child.

Hon. D A Feetham: So, can the hon. Lady inform this House as to how many children or persons in care do these incidents relate to?

1550 **Hon. Miss S J Sacramento:** Mr Speaker, it is a question that I would rather answer to the hon. Gentleman opposite in private. I would rather do that for the sake of the children involved, Mr Speaker.

1555 **Hon. D A Feetham:** But you see, Mr Speaker, does the hon. Lady not accept that, in fact, my question does not ask her to betray any confidence or reveal anything that is confidential in nature, it is just a question of numbers in relation to these incidents. Is it one more child, two more children, three more children? That is all that we are asking.

Hon. Miss S J Sacramento: Mr Speaker, it is just that if I answer that question, I do run the risk of identifying the child or children.

1560 **Hon. D A Feetham:** Why is that?

1565 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman is truly interested in the information – and the Hon. Minister is telling him he can have the information and she will give it to him – on every occasion that has been the case in the past, particularly on issues like this, we have accepted that. If the hon. Gentleman wants the information, it is there for him to have.

1570 Look, if he makes a judgement that, having been given the information confidentially, it is not information that could possibly have identified the child, then next time when he asks questions on this subject, he can make that point. But the Hon. Minister is not saying that she will not give the information. In her judgement – and the Members opposite have to accept that now it is *our* judgement that matters – before, it was theirs – this could lead to some potential identification. We are not trying not to provide the information, we just want to give it to them, as responsible Members of this House, outside the confines of what everybody else can listen to.

1575 **Hon. D A Feetham:** Mr Speaker, that may well be your judgement, but that does not mean that we cannot question that judgement, and that is precisely... (*Interjection*) At this stage, that is not what I was doing, but certainly the reality of the situation is that this House is to elicit information, the answers are given in public, unless, of course, there are cogent reasons why those answers should not be given in public.

1580 At the present moment, I just simply cannot understand why the question – how many children does this relate to? – give rise to any potential breach of confidential information? I am entitled to ask that question. Of course, I am not going to press it further and I will wait for the hon. Lady to provide the information and if, of course, we are not satisfied, we will come back and we will ask further questions.

1585 **Hon. Chief Minister:** Mr Speaker, you see the issue is this. Having the information, as the Minister does, she makes the judgement that it can, in some way, have the effect of disclosing the identity of people whose identity, I am sure, across the floor of the House, we do not want disclosed, because it would not be in their interest. Therefore, the Minister makes that judgement.

1590 What the hon. Gentleman is doing by questioning that is (a) doing something that we have never done, when we were on that side of the House but, look, if they want to do it, they are free to do it, and (b) is, in effect, to say that they want to make the judgement by eliciting further information without knowing what it is that could result in identities being disclosed.

So, look, I will just say to him *on this issue*, which is a sensitive issue involving children, do not press us, because we will give you the information, but not all over the airwaves.

1595 **Hon. D A Feetham:** Well, Mr Speaker, that is the pot calling the kettle black. As I recall, my hon. Friend, Mr Netto, was consistently and systematically pressed on issues of this nature, when they were in Opposition.

1600 Look, I am not going to press it, though I have to say, again, I cannot see how you could possibly say, that saying there were two children involved, rather than one, raises any issue of confidentiality, or could possibly raise to a trail of inquiry actually identifying that child. But as I say, I am not going to press it and we will hear what the hon. Lady has to say.

1605 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman is doing, is actually the usual ‘do as I say, not as I do’, because he is saying he is not going to do something which he then goes on and does by the manner of his intervention which, frankly, Mr Speaker, he should not be making, because this is Question Time, not ‘reason why I am not going to press the Question Time’.

Mr Speaker: Unless it is a question.

Hon. D A Feetham: May I ask this question?

1610 **Mr Speaker:** Yes.

1615 **Hon. D A Feetham:** Can the hon. Lady at least enlighten us in relation to this? Will she accept (1) that the majority of these instances have occurred on *her* watch and (2) would she also inform the House as to whether, in relation to the one or two or three or four other children that this entails, that that is not as the Hon. Mr Bossano indicated earlier on during his intervention that the incidents started prior to the 8th, that the

incidents actually occurred *after* 8th December?

1620 **Hon. Miss S J Sacramento:** If the hon. Member opposite can read, he will see that the incidents actually happened on 28th November and not after 8th December. There are, I accept... it is a matter of fact that there are incidents post 8th December. It is a matter of fact.

1625 **Hon. D A Feetham:** Yes, you see, but of course, I accept that if you are dealing only with one child, then it is absolutely correct to say the incidents in relation to that child commenced on 28th November and they continued and you have 12 to 15 other incidents under *her* watch. What I am saying is, do all the incidents in relation to all the children that appear to be involved, commence on 28th November, or do some of them in relation to some children commence afterwards on *her* watch?

1630 **Hon. Chief Minister:** This information has no partisan political value, I assure him. The only thing he is doing, by pressing us further, is to put us in a position where we may say something which may inadvertently identify a child.

Hon. J J Bossano: It has already.

1635 **Hon. Chief Minister:** I ask him to please do as he said he would, which is not press us further and, when Question Time is over, the hon. Lady will give him the information behind the Speaker's chair. That is the only issue.

Hon. J J Netto: If I may ask another supplementary question.

1640 The hon. Lady stated earlier on that, as a result of this incident, or perhaps some other incident, that this was what triggered bringing Alan Benn to do this particular course. Despite that, can she also state whether, as a result of the incident, quite apart from the training course, the Care Agency has introduced any changes in respect... to the practices where the incident took place, or in relation to this child or the people involved in the incident with this child?

1645 **Hon. Chief Minister:** Mr Speaker, if I can be of assistance, the very manner in which the hon. Gentleman has phrased his question leads us to this issue of potentially identifying a child. So can they please, just on this issue, even if they give us no quarter for the next four years on issues which relate to children, can they please just accept that we are not saying we are not going to give them the information. We are going to give them the information behind the Speaker's chair.

1650 If they take the view, when we give them the information behind the Speaker's chair, that they want to issue a press release and break the confidentiality in which that information is provided, because they say that there is no reason for it to have been confidential and they do not care, in *their* judgement, whether making it public is going to affect the child in any way because it may be identified, is a matter for them and they will answer to the electorate on it. But on this issue, if they give us no quarter on anything else, because in *our* judgement it affects potentially identifying a child, can they please just leave it there.

1655 **Hon. D A Feetham:** Mr Speaker, We are going to leave it there but I have to say that we do not agree. We do not accept their judgement for the reasons I have already expressed.

1660 **Mr Speaker:** May I permit myself a supplementary? The first two incidents referred to: is the date correct? They talk of January. That is what my copy says, anyway.

Hon. Miss S J Sacramento: Yes, and mine does as well, Mr Speaker. Those are the figures.

1665 **Mr Speaker:** I am just wondering whether... Anyway...

Hon. Miss S J Sacramento: Yes, those are the figures that have been provided to me –

1670 **Mr Speaker:** I will not press the Minister on that.

Hon. Miss S J Sacramento: – by management, Mr Speaker.

1675

**Care Agency monthly Expenditure Returns
From September 2011**

Clerk: Question 47, the Hon. J J Netto.

1680

Hon. J J Netto: Mr Speaker, can the Minister for Social Services provide a copy of the monthly expenditure returns report from the Care Agency to the Financial Secretary commencing from September 2011 to date?

1685

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, you may recall that this is the same question as Question 13 that was asked to the Hon. Minister for Enterprise, Training and Employment yesterday, and our answer is the same, that is, that this is a matter that we were not aware of until the question was posed to us and is something that is being considered.

1690

Hon. J J Netto: Is the hon. Lady aware that, as a result of the discussion yesterday, the Chief Minister said that they will discuss the matter further and they will give it further consideration?

1695

Hon. Miss S J Sacramento: That is what I have just said, Mr Speaker.

Hon. J J Netto: Sorry?

1700

Hon. Miss S J Sacramento: This question is the same as Question 13 yesterday, Mr Speaker, and my answer to the question is the same as the answer that the Hon. the Chief Minister gave yesterday.

**Discrimination legislation
Scope and application**

1705

Clerk: Question 48, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Equality state what the proposed legislation to protect people from discrimination will contain, what types of discrimination will it cover, and whether such law will apply to all residents, regardless of whether Gibraltar, European or non-European, and by when?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1715

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government will start by conducting an audit to identify areas which do not protect individuals from discrimination. Once identified, we will be in a position to identify the scope and nature of the legislative programme.

1720

Hon. J J Netto: Despite the process that the hon. Lady has outlined, does she have any idea of any current areas that she thinks are not being covered by current legislation?

Hon. Miss S J Sacramento: Mr Speaker, this is our position at the moment, a month and a half into Government.

Although I have ideas, I will not be entering into that position today.

1725

Hon. J J Netto: Mr Speaker, with respect to the hon. Lady, this is something that, once again, entered into

the opposite Members' manifesto. Surely, Mr Speaker, it is not unreasonable to ask that if it had entered the manifesto, because they had identified an area which is not currently legislated as far as discrimination, it is not unreasonable for me to ask whether the hon. Lady knows that particular area, in order to legislate accordingly.

1730 So, does the hon. Lady know of any particular area that triggered the inclusion of that aim within the manifesto?

1735 **Hon. Chief Minister:** Mr Speaker, the hon. Lady, the Hon. the Chief Minister, the hon. the Members on this side of the House, all of us have, in our experience in the preparation of the manifesto and in our political careers and outside of our political careers, our own views about these issues. What we are not going to do is give him our own views about these issues today.

1740 I would have thought that this is something that, again, should not find great controversy on the floor of this House. All we want to do is to conduct an audit so that we all understand the areas objectively – not subjectively – that create the opportunities for discrimination in our laws and to people of all different characteristics which may give rise to those discriminations.

1745 Our position is that we are not going to share with the hon. Gentleman today our personal views or opinions on the subject. We are going to do the audit. Once the audit is out, it will be a public thing. They will have an opportunity to question us on the things that are in the audit and the things that are not in the audit. It is not as if we are going to attempt to conduct this in private.

1745 If he wants to say to me, 'Once you have conducted the audit are you going to publish it? Are you going to share it with all of us?' Yes, the answer is, 'Yes, we are going to share that, we are going to publish it.'

If he reads just our section in the manifesto on disability, we think that there are discriminations there, but to ask us for just our general views on the subject, frankly I do not think is going to advance the matter.

1750 The hon. Gentleman has been elected to Opposition and therefore he has the obligation to hold us to account on these issues. I think he has got, in our first meeting, a commitment that we are going to publish this audit so that we can progress it. That is probably as far as we are going to take it today.

1755 **Hon. J J Netto:** Mr Speaker, with respect to the Chief Minister, he can do all the audit he wants, but what it stated in the manifesto, and I am quoting word for word:

'We will *legislate* to protect people fully from discrimination.'

1760 Their manifesto does not say, 'When in Government, or if in Government, we will do an audit.' So presumably, just like day follows night, at the time when they drafted this manifesto they must have known some areas where *they* think there is a vacuum, as far as the legislation is concerned. So what I am asking them is at the time they drafted this, what was it that they thought was missing?

1765 **Hon. Chief Minister:** Mr Speaker, at the time that we drafted this manifesto, we were all, at that stage, not even Members of the House, so the hon. Gentleman cannot ask us questions about what we thought at the time that we drafted the manifesto. He can ask us what we think today, and I have told him that I do not want to start giving opinions of each of the Members on this side of the House as to what we think will end up in that audit report. It is coming, it is going to be shared, it will involve our views as Ministers and Members of the Government. It can include their views, as Members of the Opposition, it can include the views of anyone who wishes to participate in the audit and it will be published and shared, but what we are not here to do, Mr Speaker, is to give opinions on what we thought when we were *drafting* our manifesto.

1770 **Hon. D A Feetham:** With respect to the Hon. the Chief Minister, he is merely waffling. Can the Hon. the Chief Minister at least enlighten this House about this: will it include the adoption of children by gay couples?

1775 **Hon. Chief Minister:** Mr Speaker, it may, if that is a discrimination which the audit identifies should be on it; it may not, if the audit does not identify that it will be on it.

1780 **Hon. D A Feetham:** Does the Hon. Chief Minister think that it ought to be on it? Does he think that there is discrimination in regard to gay couples in relation to the adoption of children?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

Hon. J J Netto: Mr Speaker, it is obvious that he does not want to answer the question.

1785 **Mr Speaker:** I would ask the hon. Members to refrain from having a parting shot. Question Time is about asking questions.

Hon. J J Netto: I agree.

1790 **Mr Speaker:** Well, it was a parting shot from the hon. Member without a question... Anyway, next question, please.

1795 **Civil partnerships
Recognition and entitlement to benefits**

Clerk: Question 49, the Hon. J J Netto.

1800 **Hon. J J Netto:** Mr Speaker, given the comments by the hon. Members in their manifesto with regard to civil partnerships, will the Minister for Equality state when it is intended to legislate for the recognition of civil partnerships, regardless of gender or sexual orientation, and whether this would bring entitlement to housing and Social Security benefits?

1805 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this is a commitment that will be implemented in this term of office.

1810 **Hon. J J Netto:** Will she, which is part of the question... She has not answered the other part of the question, whether this will be an entitlement to those people to housing and Social Security benefits.

1815 **Hon. Miss S J Sacramento:** Mr Speaker, I will refer the hon. Gentleman opposite to the manifesto, and the Government will make an announcement when the legislation is in draft for consultation with the community as a Command Paper.

1820 **Hon. J J Netto:** Is the hon. Lady aware, perhaps, Mr Speaker, that at the moment there may be some Social Security benefits which, obviously, are not entitled to people who may form, later on during the course of this parliament, civil partnerships?

Hon. Miss S J Sacramento: Yes, but... Yes, Mr Speaker.

1825 **Hon. D A Feetham:** Does the hon. Lady have any view as to whether granting homosexuals the right to a civil partnership without granting them the right to adopt children makes civil partnerships meaningless? Does she have any view of that?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

1830 **Mr Speaker:** There is also a Standing Order which deals with asking of opinions.

A Member: Absolutely.

1835 **Mr Speaker:** If the hon. Member accepts my word for it, I will leave it at that; otherwise, I will have to look for it. (*Interjection*) I beg your pardon? (*Interjection*) There is a specific Standing Order against that.

Hon. D A Feetham: It will just require a rephrasing of the question to say does the Government have any policy in that regard.

Mr Speaker: There we are.

1840

Hon. J J Netto: Mr Speaker, if I may, on a supplementary question, I think the hon. Lady, in her first answer, said that they intend to introduce civil partnerships during this period of parliament, which is a very vague answer to give.

1845

Could she perhaps be more precise in that particular answer, and whether she can say whether it will be perhaps within the next 12 months or the next 24 months, or the next 36 months? Could she give an indication whether this is the kind of legislation that the Government will prioritise, or perhaps will not?

1850

Hon. Chief Minister: Mr Speaker, if I may just assist the hon. Gentleman for this and future sessions of the House, our manifesto contains commitments which are timed and it contains commitments which are not timed.

In respect of those which are timed, we will comply with the timings that we have set out in our manifesto. It may be that if we slip up with any of those timings, they will have an opportunity to chastise us for it on behalf of the community, and those which are not timed, Mr Speaker, we will have to comply with in the period of the four years.

1855

Whether we choose, or are able, to comply with them earlier or later will be a matter on which, no doubt, there will be much debate in the community, but it is not a question on which we are going to allow the hon. Gentlemen to push us. They will recall that, in previous parliaments, we were told that we were not going to be allowed to be timekeepers for the then Government. In the areas where we have given specific dated appointments they are free to be the timekeepers; in those where we have not, I am afraid that we are not going to allow them to hold us to a timetable which we set on the hoof.

1860

Hon. J J Netto: Mr Speaker, can, at the very least, the Chief Minister tell us whether this is a particular commitment which is timed, or one of those that is not timed?

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Hon. Chief Minister: Mr Speaker, if it were timed, there would be a time for it in the manifesto. If there is not a time for it in the manifesto, it is one of those that is not timed.

1870

Hon. D A Feetham: Mr Speaker, can the Hon. Chief Minister answer this: the manifesto says that regardless of gender or sexual orientation, people will be allowed to enter into civil partnerships. I presume what that means is civil partnerships will apply to homosexual couples, whether they are women or men; or is it the policy of the Government that they will allow some kind of civil partnership to, say, for example, a brother and a sister who live in the same house for years and years and may wish to enter into a form of agreement so that, when one passes away, for example, the other inherits property, tenancies etc?

1875

Hon. Chief Minister: Mr Speaker, the policy of the Government will be set out when we issue a Command Paper on the subject, given this matter deals with amending legislation for the purpose set out in that paragraph of our manifesto.

1880

**Clubhouse for Special Olympics Committee
Site for construction**

Clerk: Question 50, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Government state if they have a site earmarked for the construction of a clubhouse for the Special Olympic Committee, as stated in their manifesto and, if so, when will work start and finish; or is it that they have identified an existing empty Government property and, if so, which of the two options is it and what is the cost involved?

1890

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1895 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the manifesto commitment is not to construct a clubhouse for the Special Olympics. The construction of a clubhouse is an option which is open to Government or, alternatively, an existing building can be provided for this purpose. A site has not yet been identified. This is a matter that needs to be assessed and shall be provided in this term of office.

1900 **Alzheimer's and Dementia Hospital**
Date of completion

Clerk: Question 51, the Hon. J J Netto.

1905 **Hon. J J Netto:** Mr Speaker, can the Government provide the date of completion for the Alzheimer's and Dementia Hospital?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1910 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the previous administration were first given a completion date of October 2011 for a 66-bed dementia unit and a 40-place day centre. These plans were then revised by the previous administration in April 2011 for a 90-bed unit. Then again, in May-June 2011, the plans were revised because the facilities available were not appropriate and sufficient for the 90 residents and, at this time, the completion date was advanced to March 2012 for an 80-bed dementia unit with a day centre being a new build later without a firm date being contained in the plans.

1915 Mr Speaker, we were called to office on 9th December. On 13th December, I went on a site visit to the Alzheimer's and Dementia unit and I was advised by the contractors on site that the completion date for the site, on the basis of the existing plans by the previous administration, was June 2012. It must also be borne in mind that this would be the date of completion and handover of an empty building, and not the date that it would be furnished and equipped. That would have to be commenced by Government once in possession of the building.

1920 **Hon. J J Netto:** Mr Speaker, if she has gone to site and she has asked somebody on the site as to the completion date, and that particular person, whoever that particular person happened to be, told her June, that simply does not square up with information that was available to us in relation to our plans. In relation to our plans it was April.

1925 I can understand, like all construction work on most sites, as far as history is concerned, gets delayed, but the date which we had, the latest date which we had, was April. She now seems to be saying that it is not April, that it is June. If the date is not now April and it is now June, is this due to the fact that the plans have been changed, or is it because one of those particular construction projects... that when the new Government came in, they decided temporarily to stop it just in order to know what was going on?

1930 **Hon. Miss S J Sacramento:** Mr Speaker, as at 13th December, the envisaged completion date told to me by the contractors on site and the Managing Director of Gibraltar Joinery and Building Services Ltd is, and he tells me always has been, June or July 2012. Further, he tells me that March 2012 was a fanciful date and never a realistic date.

1935 It has never been the case that, on the basis of the current plans, completion of the Alzheimer's and Dementia unit would have been ready for March or April 2012. I can confirm, Mr Speaker, that there is no delay on account of the present Government because works have not stopped.

1940 Having said that, when I attended the Alzheimer's and Dementia unit on 13th December, I was very, very concerned by what I saw. My advice is that the unit is not fit for purpose. What we have now done, Mr Speaker, is engage proper consultants in relation to an Alzheimer's and Dementia unit. We are awaiting feedback from them.

1945 As the hon. Member, the Minister for Health and the Environment, said this morning, there was a multi-

disciplinary meeting on 4th January. We are now working from there but, having said that, works have not stopped. The people on site have been redeployed to ensure that, if there are any changes, this will not result in any delay, but what we have to bear in mind is that there have been changes to the site four times already and this, I am told, has resulted in an incredible delay, Mr Speaker.

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Hon. J J Netto: Mr Speaker, I do not deny the fact that the GJBS may have told her that... I think she said in May... No, in June, that it is going to be June. But the same people that have been talking to her have been the same people who have been talking to us, and I can tell her that the expected date of termination of our project, when we started, was April.

1955

I am glad to hear that the plans are moving ahead. What she needs to be aware of... and I am not necessarily saying that GJBS may wish to prolong the project but it is not unusual for contractors to prolong projects. It is a fact that that is what they told us – it was going to be April – and what she needs to realise is that if it was April for us by GJBS, the contractor does not unnecessarily add extra cost by delaying the project now.

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Hon. Miss S J Sacramento: Mr Speaker, that is not a question, but when I attended the Alzheimer's and Dementia unit on 13th December, it was absolutely clear to me that that construction site would not be ready and fit for purpose for March or April, or May, for that matter, of 2012.

1965

Had the hon. Gentleman visited the site before 8th December – or on 8th December or the 7th – he, too, would have come to the same conclusion, Mr Speaker.

Mr Speaker: Is there a question? (*Interjection*)

No, it is not a debate. I allowed the last statement, but I think we must make the assumption where any Member stands up and makes a statement and sits down, we must assume there are no further questions.

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Hon. D A Feetham: Can I ask a question?

Mr Speaker: Yes, sure.

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Hon. D A Feetham: She said there were changes to the site. Just so I understand it, what changes to the site? She said there had been changes to the site. What changes to the site have been made since she has been elected as a Government Minister?

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Hon. Miss S J Sacramento: No, I have not made any changes to the site. Changes to the site had been made by the previous Government, Mr Speaker, and I am happy to outline them.

The initial proposal for the Alzheimer's and Dementia unit, Mr Speaker, was proposed in April 2010. The first plans were dated July 2010 for a 58-bed dementia unit, an eight-bed young physically disabled unit and a 41-person day centre. In March 2011, the bed capacity was increased to 80, with the loss of the young persons' disabled unit and the day centre. In April 2011, Mr Speaker, the bed capacity increased to 90 beds.

1985

Then, Mr Speaker, we understand that there were great concerns by senior management in the Care Agency because of the lack of recreational space and generally it was felt that the place was totally inadequate to meet the needs of the intended service user, and by the end of May 2011, or June, the bed capacity was once again reduced to 80.

1990

Those were the changes that I was referring to, and that is my answer to the hon. Gentleman's question.

Hon. D A Feetham: So there are no changes to the site.

What is the need, so that I can understand it, for engaging what she describes as 'proper consultants' since she became a Government Minister?

1995

Hon. Miss S J Sacramento: Well, Mr Speaker, the obvious need is because no medical clinical consultants in the design of this building have ever been engaged. This is an Alzheimer's and Dementia unit, Mr Speaker, where a room needs to accommodate people who, once admitted, will probably not leave, and that will be their home. That room needs to include a bed, a wardrobe, an armchair and a hoist, Mr Speaker. As the plans currently stand, that is not possible; therefore, the place is not fit for purpose.

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What we are doing is we will now consult, and we have had names of clinical architects in this field by

several people, including the Alzheimer's and Dementia Group, which we are told by them have never been consulted in this project, and what we want to do, Mr Speaker, is ensure that, given the amount of money that is being spent on the project and given the user group which it is targeted to accommodate, we will make sure that this project is fit for purpose.

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Hon. D A Feetham: Mr Speaker, the hon. Lady has said that there are no changes to the site that have been made or envisaged since she has become a Government Minister. She now says that she needs experts because of beds and hoists and wardrobes.

2010

What do beds, hoists and wardrobes have to do with the *construction* of the Dementia Unit?

Hon. Chief Minister: Hoists might not fit in the bedrooms. It does not take a rocket scientist to work that one out.

2015

Hon. Miss S J Sacramento: Because the construction –

Hon. D A Feetham: If the Hon. the Chief Minister wants to stand up and answer the question on behalf of the hon. Lady, then of course he can, but the point is –

2020

Hon. Chief Minister: Mr Speaker, if I want to stand up and answer a question on behalf of the hon. Lady I can and I will and I do not need to be invited by a Gentleman who needs to realise that he is now in Opposition and not in Government.

Mr Speaker: The Minister *was* answering the question.

2025

Hon. D A Feetham: Exactly.

Mr Speaker: As is customary in this Parliament, we often have remarks said in depositions, but –

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A Member: In every single Parliament.

Mr Speaker: I have not spent much time in other parliaments.
The Hon. Minister, please continue.

2035

Hon. Miss S J Sacramento: Mr Speaker, the construction of the unit includes the construction of the rooms and our concern is that the size of the rooms may not be appropriate. Therefore, what we have done, in order not to delay the project, is that the construction workers have been redeployed elsewhere on site to make sure that there is no delay while we consult on the actual layout of the internal construction, and once the consultation process is complete, then we will reconsider the position, Mr Speaker, but it is part of the construction.

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The construction of a wall is part of the construction, and it was made by the same construction workers who are painting the façade of the building. The façade of the building is ready. The façade of the building was ready before the Election, Mr Speaker.

2045

Hon. J J Netto: Mr Speaker, on a small point of order, the hon. Lady stated that there had been no consultation with the Dementia and Alzheimer's Association.

Hon. G H Licudi: She had been told that.

2050

Hon. J J Netto: Sorry.

Hon. Miss S J Sacramento: I had been told by them.

2055

Hon. G H Licudi: Mr Speaker, on that point of order, the precise words of the hon. Lady were that she had been *told*, not that there was none, but she had been told.

Perhaps the hon. Member –

2060 **Hon. J J Netto:** For the sake of accuracy and for the record, she can go to her PA – who was my PA – and she can produce the minutes of the meetings that I had personally with the Alzheimer’s and Dementia Association, for which they were consulted.

Mr Speaker: There is no point of order there.

2065 **Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman because that helps to clarify what may be a position that has been, according to the hon. Member, misrepresented to the hon. Lady, and I am grateful to him extending to the hon. Lady access to his files in respect of that particular minute that he has identified, which she would otherwise not have access to, and we are grateful for the opportunity to see that minute.

2070 **Hon. J J Netto:** I have not said that I am giving access to my files. The Chief Minister is misinterpreting what I have said. What I have said (*Interjection*) is the minutes.

2075 **Hon. Chief Minister:** The hon. Gentleman – I do not want him to think that I am suggesting access to the file. Access to the file to see *that minute* is what the hon. Gentleman said, and I am thanking him for access to the minute which is in the file.

Hon. J J Netto: Mr Speaker, they do not need access to the file. All she needs is to press the button on the keyboard of the PA to get the minutes.

2080 **Hon. Chief Minister:** Mr Speaker, I am sorry to tell the hon. Gentleman that is not the way that a change of Government works.

2085 The fact that there may be an electronic Word version on his ex-PA’s machine of a file note that has been printed, or a minute that has been printed, and put in his file does not mean that we can access it just because it is in the computer. It would be improper to give us access to that document if we should not otherwise have got access to it because it has been bundled as one of the files that relate to his Government and his time in office.

2090 We are grateful that he is saying that we can have access to that minute. Whether his PA gives us access to the minute by pressing ‘Print’ and giving us a fresh printout of the document or whether she gives us access to it by giving us a photocopy of the minute that is in the file, either way I am grateful that he is giving us access to it because, from what he is saying, a position has been misrepresented to the hon. Lady –

Hon. G H Licudi: May have been.

2095 **Hon. Chief Minister:** May have been misrepresented to the hon. Lady and we should get to the bottom of it. I am grateful that he is giving us access to the minute.

Mr Speaker: The Hon. Daniel Feetham.

2100 **Hon. D A Feetham:** So the position is this: that there might be a need to change the internal layout of the Dementia unit, but no decision as to whether there is going to be a change in the internal layout of the Dementia unit has been taken, and even if there is an alteration of the internal layout of the Dementia unit, the Government still expects the Dementia unit to be completed by June. Is that the position?

2105 **Hon. Miss S J Sacramento:** In principle, yes. In principle.

**Alzheimer’s and Dementia Hospital
Extra personnel requirements**

2110 **Clerk:** Question 52, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, does the Government have available the new extra personnel requirements for the new Alzheimer's and Dementia Hospital from their senior management and, if so, could it be provided to this House, showing a breakdown of the grades of persons to be employed and by when?

2115 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

2120 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the personnel requirements for the above are now being compiled by senior management. Given the numerous changes to bed capacity made by the previous Government, senior management are now having to revise the staffing requirements once again.

Hon. J J Netto: Mr Speaker, when will the hon. Lady be in a position to get the requirement from the senior management? Does she have an idea whether we are talking about weeks or perhaps months?

2125 The reason why I am asking is because if we are now working towards a deadline of June, recruiting people takes time, so the sooner this process starts the better, leading to the people being recruited and the Alzheimer's and Dementia Hospital starting to provide its services. Does she have any inclination or idea when she will be getting the figures from the senior management?

2130 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, this is something which is underway which I have asked to be prioritised, and I understand I will be getting it very shortly.

By the same token, Mr Speaker, I would like to remind the hon. Gentleman opposite that, in December, when the previous Government were under the impression that the unit would be completed by March, these plans were not in place.

2135 **Hon. J J Netto:** Mr Speaker, with respect, when we heard, by the contractors, that the completion was going to be in April, I instructed senior management to prepare the requirement before we left office. I think it was in November, from the top... So the point I am trying to make, without trying to score any cheap party political points is, if she is talking about... that she will get it soon, when is soon? Is it likely to be in a week or a month? (*Interjections*)

2140 **Hon. Miss S J Sacramento:** 'Soon' means soon, Mr Speaker. (*Laughter*)

2145 I am told that there has been sufficient progress made on these matters. I think they are being reviewed, so I think literally 'soon' means soon. I could probably have an estimate, if not a final product, in the next couple of weeks. Of course, we need to review it properly. Everything needs to be given due consideration, Mr Speaker, but we are confident that we will be able to identify the staffing requirements and, of course, be able to recruit and train in plenty of time in advance of the unit being open.

2150 **Hon. J J Netto:** Will the hon. Lady, once she has the requirement by the senior management, be able to provide me with a copy so that I can be in a position to see what the skill mix of people for recruitment will be?

Hon. Miss S J Sacramento: Mr Speaker, the answer is no, and an announcement as to recruitment will be made at the appropriate time.

2155

**Alzheimer's and Dementia Day Hospital
Projected completion date**

2160 **Clerk:** Question 53, the Hon. J J Netto.

2165 **Hon. J J Netto:** Mr Speaker, can the Government confirm that the day hospital for sufferers of Alzheimer's and Dementia at the site of the old Royal Naval Hospital is going ahead and, if so, when will its projected completion date be and the range of services that will be provided therein?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

2170 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, insofar as the day centre at the old RNH hospital, it is anticipated that this is going ahead. However, I need to make it clear that no construction on this has commenced and no completion date is available. A review of the services required will be undertaken to establish the needs of the service users so as to ensure that we can provide a facility that is fit for purpose and meets the needs of the service users.

2175 **Hon. J J Netto:** I do not understand that, Mr Speaker, because she is quite right that the works have not started yet, but even though the work has not started yet for the day hospital, which she is calling the day centre, we did have ideas of the range of different types of services that we would incorporate within the day hospital. We are talking about physiotherapy services, speech therapies, memory clinics, things of that kind. Does she have any idea herself, in relation to the discussion that she may have had with the senior management, as to what elements of services will be provided therein?

2180 **Hon. Miss S J Sacramento:** Yes, because this is a matter that was given a lot of consideration in the multi-disciplinary meeting that I held with my colleague, the Hon. Minister for Health and the Environment.

2185 What I have to say in relation to the proposed plan that existed for the day hospital, or the day centre... and, in fact, it is important because one of the issues at that multi-disciplinary meeting was the issue as to whether it should be a day hospital or a day centre, because there is a distinction. The plan for that has changed and we have changed that immediately because the original plan was for a one-story lightweight structure and it is immediately apparent that that is not big enough and able to service the needs of the community. We are, however, still working on this feature, both in terms of design and in terms of the facilities that will be provided in that unit.

2190 **Hon. J J Netto:** Mr Speaker, I accept that the plans will change. I am not querying that. All I am asking for is whether she has an idea of the type of services, whatever the plans may be in the future, in terms of services that will be provided.

2195 **Hon. Dr J E Cortes:** Mr Speaker, if I may answer this part of the question, or this particular supplementary, because we are working very closely together. We have set up an inter-ministerial team at all levels of all the professionals – which includes care workers, includes occupational therapists, includes nurses and includes doctors – to give us an idea – more than an idea, to give us an indication, a plan – of what that day centre/hospital would require.

2200 It is something which we feel is even more important than the previous administration felt. We want to increase the services it can provide and we are not in a position at this point in time to give further details, but there is actively a team working hard on the matter.

2205

**Alzheimer's and Dementia respite home
Services, cost and when available**

2210 **Clerk:** Question 54, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government specify to whom will they make available funds to provide a respite home for Alzheimer's and Dementia sufferers, what services will they provide therein, what will the cost involve and by when will this be available?

2215 **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, an assessment to provide a respite home to those in need of it has been started to determine the level of need and the services that will be provided.

2220 The Care Agency are working in conjunction with the Gibraltar Health Authority. It is too early to say

what the cost of this will be.

2225 **Hon. J J Netto:** Mr Speaker, can the hon. Lady at least specify whether these new services will be provided by the Care Agency or by, perhaps, the private sector?

Hon. Miss S J Sacramento: Not at this stage, Mr Speaker. We will conduct an assessment first and then assess the cost. We will then assess who the provider of the service will be.

2230

**Alzheimer's and Dementia sufferers home care
Resources and support available**

2235 **Clerk:** Question 55, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government specify what resources and support will it provide to sufferers of Alzheimer's and Dementia for home care, the cost involved and by when will it be available?

2240 **Clerk:** Answer: the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as I said in reply to the earlier question, we are now conducting an audit and assessment into domiciliary care. This will, of course, include sufferers of Alzheimer's and Dementia.

2245 Phase 1 will be to identify what aspects of help individuals require in their homes. As in my answer to Question 38, phase 2 of the study will be the cost, and phase 3 will be to identify who will provide the service.

2250 style="text-align: center;">**Debilitating Unit at old Royal Naval Hospital
Date of completion**

Clerk: Question 56, the Hon. J J Netto.

2255 **Hon. J J Netto:** Mr Speaker, can the Government provide the date of completion for the Debilitating Unit under construction at the site of the old Naval Hospital?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

2260 **The Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there is no Debilitating Unit under construction.

2265 Initially, the previous administration, I understand, mooted that a particular building at the RNH site be earmarked for GHA medical nursing staff accommodation. However, this was then changed to a building to be used for physically disabled adults. I am informed that the Care Agency was shown feasibility plans in July 2011 and a request was made to revise these due to lack of facilities available and wheelchair access on these plans for people with disabilities.

We understand that there has been no further communication and that these plans... or that these plans were revised or approved by the previous administration.

2270 **Hon. J J Netto:** Mr Speaker, as far as my recollection is concerned, obviously, as far as progress on the work was being carried out or spearheaded by number 6 Convent Place. (*Laughter*)

As far as I am aware, we did have also a completion date for April/May. So I am bit surprised to hear, if I understood the hon. Lady correctly, that no work has taken place in what used to be the administration block. Is that what she is saying, that no work has been done?

2275 **Hon. Miss S J Sacramento:** If the hon. Gentleman is referring to block E at the RNH site, then no, no

work has been done, Mr Speaker.

When I visited the site on 13th December, I was told by the contractors that the use of that site had not yet been identified and, in fact, neither a commencement date nor a completion date had been given to us by GJBS. So, no, the matter is not under construction as far as I am advised.

2280

Hon. J J Netto: Mr Speaker, I will have to explore this later, so I will leave it for another occasion.

2285

**Debilitating Unit
Extra personnel requirements**

Clerk: Question 57, the Hon. J J Netto.

2290

Hon. J J Netto: Mr Speaker, given that Question 57 is a follow-up of the previous one, I will withdraw it at this moment in time.

2295

HOUSING AND THE ELDERLY

**Independent living complex, old St Bernard's Hospital
Date of completion**

2300

Clerk: Question 58, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state what is the expected date of completion of the independent living complex at the old Mackintosh Wing of the old St Bernard's Hospital?

2305

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I am informed, through GJBS Limited, that the estimated completion date is April 2012.

2310

Hon. J J Netto: Given the answer the hon. Gentleman has given, that the completion date is April, will the Government continue to provide the services for independent living for the elderly in that particular building?

2315

Hon. C A Bruzon: Yes, Mr Speaker.

Clerk: Question 59 –

Mr Speaker: I think the hon. Member wants to put a question.

2320

Hon. J J Netto: Given that April is not a date which is too far away, does the hon. Member know whether there will be any requirements for, perhaps, recruitment? In other words, if the building is going to be managed more or less like Bishop Canilla, for instance – as he is aware, we have a caretaker service – so what I am asking, basically, is it going to be in the same model as Bishop Canilla where we have a caretaker service and, if so, whether there will be a need for recruitment to provide that service?

2325

Hon. C A Bruzon: I will need notice of that question, Mr Speaker. I have answered the question.

2330

**Government housing blocks
Rolling programme of lift installation**

2335 **Clerk:** Question 59, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Housing state whether the present Government will continue with the previous Government's rolling programme of lift installation in Government housing blocks; and, if so, which blocks are earmarked for this year?

2340 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

2345 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the Government is committed to the provision of lifts in Government housing wherever this is practically possible to install. Insofar, or as to which blocks will be tackled this year, I can tell the House that options are currently being considered.

Hon. J J Netto: When the hon. Gentleman says this year, he means in this financial year or this calendar year?

2350 **Hon. C A Bruzon:** I have said, this year.

The Hon. J J Netto: Which?

2355 **Hon. C A Bruzon:** I have not been informed as to whether it refers to the calendar year or to any other type of year. So this year I assume refers to 2012.

2360 **Hon. J J Netto:** The reason why I am asking the question, Mr Speaker, because I can understand that with reading what is left of this financial year, he may not have the provision to make a commencement of any particular lift installation in any of the Government housing. So, therefore, he may wish to use the remainder of this financial year to be able to determine and take a decision once the commencement of the new financial year takes place and they can programme the lifts. This is the reason I have asked.

So is it that they are waiting, doing the deliberation right now, so that works on lift installation can start from the beginning of the next financial year?

2365 **Hon. C A Bruzon:** Regrettably, Mr Speaker, I cannot answer the question exactly, so I will find out and let the hon. Member know.

2370 **Disabled housing programme
Costs and implementation**

Clerk: Question 60, the Hon. J J Netto.

2375 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state what is the housing programme for disabled persons and their families as stated in their manifesto, by showing the site or sites earmarked, the number of flats to be made available, the costs associated with the project and the start and completion dates of this programme?

2380 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

2385 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, as the hon. Member will be aware, the Housing Department has, in the past, and will continue, to supply provision for disabled persons and their families with support from the Gibraltar Health Authority's Occupational Therapist. In addition, our plans for affordable housing will be inclusive of the needs of the disabled, and further details will be publicised accordingly and in due course.

Hon. J J Netto: So, basically, what he is saying is that this manifesto commitment will be honoured in the context when they do new housing projects. Is that what he is saying?

2390 **Hon. C A Bruzon:** That is correct, Mr Speaker.

**Housing Waiting List as at 9th December 2011
Breakdown of flat requirements**

2395 **Clerk:** Question 61. The Hon. E J Reyes.

2400 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants were on the Housing Waiting Lists as on 9th December 2011, giving a breakdown of their flat requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2405 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will answer this question, together with Question 62.

**Up to date Housing Waiting List
Breakdown of flat requirements**

2410 **Clerk:** Question 62.

2415 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants are on the Housing Waiting Lists, as up to date as possible, giving a breakdown of their flat requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2420 **Minister for Housing and the Elderly (Hon. C A Bruzon):** As the Usher hands over to the Members opposite some simple statistics, I will, however, vocalise just the basic aspect of the answer to the question.

A total of 962 applicants were on the Housing Waiting Lists as on 9th December 2011 – the details are on those sheets.

In answer to Question 62, a total of 956 applicants were on the Housing Waiting Lists as on 13th January 2012.

2425 **Hon. E J Reyes:** Mr Speaker, would the Hon. Minister be able to confirm that he still intends to keep to his election pledge that the applicants on the Housing Waiting Lists, as on 9th December, would be offered suitable housing before the next General Election?

2430 **Hon. C A Bruzon:** That is indeed our intention.

Hon. E J Reyes: Mr Speaker, would the Hon. Minister, at this early stage, have any idea where the construction of new houses, that I suppose will be needed to cater for these needs, will take place?

2435 **Hon. C A Bruzon:** I am not in a position to give you that information. It will be publicised in due course.

Hon. E J Reyes: Mr Speaker, would the Minister then, more specifically leading to Question 62, which he has chosen to answer together... anyone putting their names down on the Housing Lists after 9th December would be given a suitable flat within three years of their registration for housing?

2440 **Hon. C A Bruzon:** We will try our hardest, most certainly, to achieve that. Yes, Mr Speaker.

2445 **Hon. E J Reyes:** So, Mr Speaker, does it not deduce mathematically from there that if you put your name down on the Housing List any time before 9th December, the allocation date for housing could be any time within four years; yet if you put your name down for housing, say, on 12th December, the deadline happens to be less because it then cuts down to three years? So those who were on the list before 9th December might actually have a year longer to wait than those who put their names down afterwards.

Hon. C A Bruzon: There is an element of hair splitting here, Mr Speaker. We will do our best to provide homes for everybody on the Housing Waiting Lists.

2450 **Hon. E J Reyes:** And priority will be given as and when you put your name down and not in respect of a particular type of flat? One, I assume, will continue a system of accumulating points and so on. In that case then, a sort of limited pecking order, if one wants to call it that, would be according to the chronological date of your application.

2455 **Hon. C A Bruzon:** Mr Speaker, the system is extremely complicated.

2460 We will do our best using whatever gift of wisdom the Good Lord has given the Housing Manager to allocate homes in the fairest possible way; but the system is complicated, as the Member will appreciate, because there are a whole range of different kinds of lists, social categories and medical categories. I would love to concentrate more, not so much on the exact three-year, four-year, but in doing our utmost to provide homes for our people as efficiently and as quickly as possible.

ANSWER TO QUESTION 62

ANSWER TO QUESTION 61

A total of 962 applicants were on the Housing Waiting Lists as at the 9th December 2011, as follows:

1RKB	-	722
2RKB	-	47
3RKB	-	109
4RKB	-	73
5RKB	-	9
6RKB	-	2

ANSWER TO QUESTION 62

A total of 956 applicants were on the Housing Waiting Lists as at 13th January 2012, as follows:

1RKB	-	726
2RKB	-	45
3RKB	-	106
4RKB	-	69
5RKB	-	8
6RKB	-	2

2465

**Housing from the homeless
Applications to Housing Authority**

2470 **Clerk:** Question 63, the Hon. E J Reyes.

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 the Housing Authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2475 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, a total of 25 applications for housing from homeless persons are currently being dealt with by the Housing Authority.

2480 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister able to say at this stage the priority or what sort of system he has implemented to expedite the allocation of suitable premises for these persons, seeing that they are actually homeless?

2485 **Hon. C A Bruzon:** Homelessness does not always necessarily mean that somebody does not have a roof over his or her head. Some people have been described by the previous administration as 'technically' homeless.

The reality is, Mr Speaker, that we, again, are doing our best to address all these issues with the greatest possible wisdom and it is not always easy to determine exactly what yardstick to use because the truth is that there are many, many genuine people in Gibraltar with real human problems and I have not been able, as yet, to identify sufficient homes to cater for all the needs of people on the waiting lists, social lists, A-lists, medical and so forth.

2490 These 25 people who are categorised as homeless, have to be included with a whole range of social cases – social categories As. In fact, these 25 form part of the social category applicants that we have got. Again, we are doing our best to serve our people well and to provide homes for them as soon as possible.

2495 **Hon. E J Reyes:** So, then, Mr Speaker, am I right in deducing from there that they are being considered along with those on the social category, that these applicants do not need to go onto any pre-lists to then be passed onto the Housing List or anything, but are being treated distinctly from a normal applicant.

Hon. C A Bruzon: Sorry, I do not think I have understood the question, Mr Speaker.

2500 **Hon. E J Reyes:** What I am getting at is that these homeless persons, on application for housing, do not have to go through the process of a normal person who is not classified as 'homeless', who first goes onto the pre-list to then pass on onto the other Housing List?

2505 **Hon. C A Bruzon:** I am really not sure what you mean, Mr Speaker.

Hon. E J Reyes: Alright. Let me see if I can explain better, Mr Speaker.

2510 A routine applicant for housing, on applying to the Housing Department, is first placed on the pre-list and then moves onto the Housing List proper. (**Hon. C A Bruzon:** Yes.) Then, am I... I am just double checking myself, have I understood the Minister correctly, in that those who are homeless do not need to go onto the pre-list, but are being considered alongside those of the social housing category?

Hon. C A Bruzon: I understand now, yes.

2515 If anybody is assessed by the Housing Authority to be homeless, they will obviously... an attempt will be made to fast track them, because they are on a special list which the Housing Allocation Committee or, rarely, maybe the Minister himself can determine these are genuine social cases, homeless in this case, and therefore we have to do our best to help them as soon as possible.

2520 **Housing Allocation Committee**
Number of meetings since 9th December 2011

Clerk: Question 64, the Hon. E J Reyes.

2525 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since 9th December last?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2530 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, the Housing Allocation Committee has met once since 9th December – that was just last Monday – and they should be meeting a second time this year on Monday, after the weekend.

2535 **Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question because it has been many, many years now since I used to be the Housing Minister. When the Hon. Minister says the Housing Allocation Committee has met, whatever number of times it has met and whatever date it has met, under the current arrangements does it mean that the Housing Allocation Committee incorporates what used to be in the old days, the Medical Committee and the Social Committee within the Housing Allocation Committee? In other words, that there is now no longer to be meetings of the Medical Committee. Is that correct, Mr Speaker?

2540

Hon. C A Bruzon: That is correct.

2545

**Allocation of homes since 9th December 2011
Number and by which authority**

Clerk: Question 65, the Hon. E J Reyes.

2550

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many homes have been allocated since 9th December, indicating whether these homes have been allocated by the Housing Allocation Committee or by any other authority?

2555

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 29 homes have been allocated since 9th December 2011, two of which have been allocated by another authority.

2560

Hon. E J Reyes: Mr Speaker, is the Minister able to say who was the other authority?

Hon. C A Bruzon: The other Authority was the previous Housing Minister, that is one of them, and I authorised the allocation of the other. This is a case that came over from the previous administration and I saw a note that the previous Housing Minister was recommending that this person should be allocated the home and I approved that recommendation myself.

2565

Hon. E J Reyes: I am much obliged to the Hon. Minister, having kept to that commitment. Thank you.

2570

**Government tenants
Number of homes requiring work done**

Clerk: Question 66, the Hon. E J Reyes.

2575

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many Government tenants are currently listed as requiring works to be done in their homes by the landlord?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2580

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will answer this question together with Question 67.

2585

**Housing Agency
Number of jobs outstanding**

Clerk: Question 67.

2590

Hon. E J Reyes: Can the Minister for Housing state how many jobs are currently listed as requiring the attention of the Housing Agency?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2595

Minister for Housing and the Elderly (Hon. C A Bruzon): In answer to Question 66, a total of 1,512 Government tenants are currently listed as requiring works to be done in their homes by the landlord.

In answer to Question 67, a total of 876 jobs are currently listed as requiring the attention of the Housing Works Agency.

2600

Hon. E J Reyes: Mr Speaker, perhaps the Hon. Minister can enlighten me, if it is that 1,512 tenants require works to be done, how can the number of jobs be less than the number of tenants who require jobs to be done? There must be some numbers that fitted, perhaps, into some other category.

2605

Hon. C A Bruzon: The Housing Works Agency usually looks after internal repairs. There are tenants who are still awaiting external repairs to be done.

Hon. E J Reyes: Am I correct in assuming those external is the balance remaining between those figures? (**Hon. C A Bruzon:** Sorry?) Yes? The number of external works requiring to be done can be arrived at by subtracting one figure from the other.

2610

Hon. C A Bruzon: I really am not sure, Mr Speaker. I would not like to say yes, without being sure.

2615

Hon. E J Reyes: Okay, and there is no great hurry for the answer either, I mean, Mr Speaker. So perhaps the Hon. Minister at some other stage can be pass on the information when he has been able to get it from his technical advisers and so on.

2620

Can I also ask the Hon. Minister, when we have tenants who require works, if some... I am going to give him perhaps a bit of a hypothetical example – if some of the tenants happen to be elderly citizens, perhaps residents of Bishop Canilla House or Albert Risso House, does the Housing Department, the Housing Ministry in itself, try to prioritise that for senior citizens who tend to be more concerned and their lives are far more easily disrupted when they have got pending repairs to be done at home?

Hon. C A Bruzon: Absolutely, yes, Mr Speaker.

2625

Hon. J J Netto: Could he then clarify that, to my understanding, the works in Bishop Canilla, and I am not quite sure about Albert Risso House, are not done by the Housing Works Agency, they are done by GJBS. Is that not the case?

Hon. C A Bruzon: Yes, that is correct, actually. Yes, that is correct.

2630

Hon. J J Netto: Can I ask a further supplementary question? Within the figures that the Hon. the Minister for Housing has given us, would that include elderly people awaiting a shower to be fitted in their flats?

Hon. C A Bruzon: I would need notice of that question, Mr Speaker.

2635

Hon. J J Netto: Does the hon. Member, if he doesn't mind, look to see whether it does include elderly people awaiting showers to be fitted and, if so, how many in total please? I mean, not that he necessarily has the information there, but I mean if he has not got the information there, whether at some later date he can obtain the information and just pass it over?

2640 **Hon. C A Bruzon:** I would be grateful if you would put a request in writing so that it can go through my staff. If I say yes now, I may not do it, through simple lack of memory or... If you write to me, through my staff, I definitely will give you the information, Mr Speaker.

2645

**Separate Housing List applications
Those wishing to return from Spain**

2650 **Clerk:** Question 68, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many persons have registered to date in the separate housing list for applicants who are currently living in Spain and who wish to return home?

2655 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, a separate list for those living in Spain wishing to return home will be introduced very shortly.

2660 **Hon. E J Reyes:** Mr Speaker, any indication of whether it will be this side of the summer season or afterwards?

2665 **Hon. C A Bruzon:** Of course, the reaction has been nil at the moment in terms of people wanting to go on such a list. So if there is a demand coming to us soon, then the list would be created immediately... if the Minister knows what I mean.

Hon. E J Reyes: Yes, Mr Speaker, but is the Hon. Minister aware that there are people who have, at least to me, expressed an interest and are patiently, and perhaps correctly, waiting for an announcement to be made by the hon. Member because they are not quite certain of what the terms and conditions would be.

2670 For example, a simple question that was asked is because they wished to return home, would a condition be that they must then surrender or sell the property that they have in Spain because some feel that they might be accused of then having two homes – one in Gibraltar and the other one would be considered more like a holiday home and so on? So I think, you know, the...

2675 **Hon. C A Bruzon:** When the criteria are determined, we will make a statement, Mr Speaker.

2680 **Hon. J J Netto:** Mr Speaker, within the criteria that needs to be discussed amongst the Minister and perhaps the Government generally, will they also take into account, perhaps, the distinction between a person who may have gone... a Gibraltarian who may have gone to live in Spain... as a result of not finding a house here, either in the private sector or in Government, as against Gibraltarians who did have a house here, perhaps, sold the house and, with the money from the sale, went and bought a house in Spain?

2685 **Hon. C A Bruzon:** The answer that I can give at the moment is that we will consider each case as it comes to us and we will act wisely and fairly. The reality is that there are, as the Minister has hinted, people who live in Spain, but who dearly want to live in Gibraltar. Obviously, those people would be placed on the list without giving it a second thought. You know, that is absolutely certain.

Mr Speaker: The Hon. Daniel Feetham.

2690 **Hon. D Feetham:** Is the position that the criteria for this list, who qualifies for this list, has not yet been determined; and, if that is the position, why did he say earlier on that there had been no interest expressed by anybody in coming on to this list? Surely, if the criteria have not developed, then the list is not in place.

Hon. C A Bruzon: Mr Speaker, I was being totally honest. Obviously, the Hon. Mr Reyes has been approached. *(Interjection)* Excuse me... *(Interjection)* No, no. I,

2695 through my staff, have not had a glimmer of a demand *yet* from people... 'Mr Bruzon, I would like to go on the list. I live in Spain, so put me on the list.' Of course, the offer is there, the commitment is there, and, as I said earlier, when we determine the criteria, we will make an announcement.

2700 **Hon. D Feetham:** So is the position that the list is in place, that there is a list, but the criteria has not yet been determined? Is that the position?

Hon. C A Bruzon: Mr Speaker, there is no list yet. There is nobody on the list. The list is not there yet, but the offer of people wanting to be placed on the Government waiting list, that offer is definitely there.

2705

**Co-ownership housing estates
Discussions over increasing service charges**

2710 **Clerk:** Question 69, the Hon. J J Netto.

Hon. E J Reyes: Question 69 is mine.

2715 **Clerk:** Yes, there is an error.
Sixty-nine, the questioner is the Hon. E J Reyes.

Mr Speaker: In my bundle, it shows the Hon. Edwin Reyes initially, but I have now been handed a separate sheet which shows the Hon. J Netto there. This was in the bundle and this one is to do with that.

2720 **Hon. E J Reyes:** I have no problem in accepting, Mr Speaker, it could be a simple –

Mr Speaker: No, I am just –

2725 **Hon. E J Reyes:** – human clerical error.

Mr Speaker: No, I am just trying to find my way around.

Hon. J J Netto: I can assure the House that I have not drafted the question.

2730 **Clerk:** I would agree with that.

Hon. E J Reyes: I can assure Mr Speaker that I signed and handed that question in personally to the Clerk.

2735 Well, Mr Speaker, Question 69: can the Minister for Housing state what discussions he has held with management companies of co-ownership housing estates in order to address the issue of increasing service charges?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

2740 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, none at the moment.

2745 **Hon. E J Reyes:** Mr Speaker, is the Hon. Minister aware that despite his desire, which I have no doubt to work with the management companies in Government co-ownership housing estates to address the problem of increasing service charges that, in many housing estates – and I can let the hon. Member later on have a copy – residents or owners at Harbour Views Estate have been notified just a few days ago that their service charge has increased by 3.8% as from 1st January and, in fact, the letter increases...

The letter goes on to say that this increase is customarily carried out in January of each year. So I would like to work together with the Hon. Minister to address this problem because the fear (*Interjection*) of residents there that they have is that if the trend would be that would be an annual 3% or close to 4% increase

2750 and many residents in that estate, which includes myself, are eagerly awaiting to see what the Hon. Minister can help to do to alleviate these ever increasing charges.

Hon. C A Bruzon: Okay, Mr Speaker. Thank you very much.

2755

TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES

2760 **Line Wall sewer
Duration of repairs**

Clerk: Question 11, the Hon. S M Figueras.

2765 **Hon. S M Figueras:** Yes, Mr Speaker. Can the Minister with responsibility for Technical Services confirm how long the Government envisages repairs to the Line Wall sewer will take?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2770 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the repairs to the section of the main sewer along Line Wall Road, which was blocked, have been completed and the excavation reinstated.

2775 **Hon. S M Figueras:** Mr Speaker, perhaps the hon. Member can enlighten the House in respect of when the traffic flow will be restored as it was originally in light of the completion of the works?

Hon. P J Balban: At the moment there is an inspection of the main sewer, upstream and downstream, as the blockage has identified some other defects. So until we actually look at that, two-way traffic will not be restored. Sorry, the blockage or diversion will still be in place.

2780 **Hon. S M Figueras:** I take it from that, Mr Speaker, that there is no indication of a timescale for that?

Hon. P J Balban: Not at the moment, no.

2785 **Hon. S M Figueras:** Thank you very much. I am obliged. No further supplementaries.

2790 **New roads and parking spaces
Set targets and objectives**

Clerk: Question 12, the Hon. D J Bossino.

2795 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide details of the set targets and objectives for the building of new roads and the provision of more parking spaces which the Government has announced will form part of its comprehensive traffic plan?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2800 **Minister Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government has announced it will carry out a major review of the existing traffic arrangements and draw up a comprehensive traffic plan for the whole of Gibraltar.

We have embarked upon a public consultation exercise aimed at seeking the views of all interested parties. These views will be taken into account when the traffic plan is drawn up. It is therefore premature to state targets and objectives at this point in time as they can be subject to revision.

2805 **Hon. D J Bossino:** I see the press statement said that – presumably because it is in line with the Government’s manifesto commitment – the set target and objectives for the building of new roads – in plural... rather the plan will contain set targets and objectives for the building of new roads – in plural, as I said earlier – and the provision of more parking spaces – again, in plural. So, presumably, there is already at least a commitment from the Government in relation to these issues.

2810 **Hon. P J Balban:** As part of the general objectives, although we are not ready to prepare general objectives and targets, obviously there has already been some commitment in terms of looking for new parking spaces, disabled bays etc.

2815 **Hon. D J Bossino:** Well, it is, as I pointed out earlier, a Government manifesto commitment, so therefore must be Government policy that there is an intention to build the new roads – again, more than one road – and new parking spaces. So, in that sense, is the consultation process as open as the Minister suggests?

2820 **Hon. Chief Minister:** Mr Speaker, if I might just assist the House on this.
Before, when we were saying that the consultation process was open and we did not want to give our views of what was going on there and was going to go on as part of that consultation process to then become the document that might become Government policy, we felt that the hon. Members were suggesting that we had to put our views across as to what should be there. Now, Mr Speaker, the hon. Gentleman seems to be again pressing us on this issue to say that, if we have got those said ideas, we need to put them on the agenda now.

2825 Mr Speaker, our manifesto says what it says. The answer says what it says. In due course, there will clearly be a plan, which sets all these things out. Of course, if we have said that in our manifesto, we must have views that suggest that more than one road is needed and more than one extra parking space is needed. He can take that as read.

2830 **Hon. D J Bossino:** No, I am just trying to establish what the Government’s position is and really this is not in any way intended to be maliciously political in any respect whatsoever.

2835 I was just surprised that the Minister himself, Mr Speaker, did not offer the fact that, yes, there would be a public consultation exercise and that he would be receiving the views of those consulted – I will ask him about that in a moment – but then it was somewhat curtailed, it was not as open as initially as he may have suggested to this House and it would be somewhat curtailed in that there is already a manifesto commitment from the Government to build new roads and to build new parking spaces. So, as far as those two issues are concerned, the Government is already committed and intends to do those two things and it will not be dissuaded by any representations, for example, to the contrary, like, for example, from the environmental lobby.

2840 **Hon. Chief Minister:** Mr Speaker, it is not that the process is going to be *curtailed* in any way. Just because we have identified that we believe that there should be new roads and new parking spaces, which happens also to be the policies, I understand, that they put at the General Election, it does not mean that the consultation process is curtailed. It is a consultation process, in this instance based around what we have already said in our manifesto.

2850 **Hon. Dr J E Cortes:** Mr Speaker, may I have further clarification on the environmental point. There is one of my Department’s Environmental Officers in the team that is looking at the traffic plan.

Hon. D J Bossino: I am grateful.
Is it at all possible that the Government may be dissuaded from building new roads and new parking spaces as a result of the consultation process which it is undergoing? (*Interjections*)

2855 **Hon. Chief Minister:** Mr Speaker, everything is possible; it is not probable.

Hon. D J Bossino: Mr Speaker, with respect, if it is possible, then if it is within the realms of possibility that the Government may be persuaded, as a result of undergoing a public consultation exercise, *not* to build new roads and not to build new parking spaces, will the Minister accept that, as a result, he would be reneging

2860 on a manifesto commitment?

Mr Speaker: That is hypothetical.

2865 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to go back to the dictionary and look up the definition of 'possible' and compare it to the definition of 'probable'.

Hon. D J Bossino: I am simply trying to establish how wide the consultation will be. So... (*Interjection*)
In relation to its width... (*Laughter*)

2870 I have another question: has the Government, or rather, can the Minister clarify when the Government first notified interested parties, as he says in his statement, 'all interested parties', that they could make submissions?

2875 **Hon. P J Balban:** Yes, a press statement was issued to that effect and the closing date will be 30th January.

Hon. D J Bossino: So in terms of timeline, can he confirm that the timeline is from the date of the issue of the press statement, 11th January, up to the 30th January?

2880 **Hon. P J Balban:** Correct.

Hon. D J Bossino: Does the Minister consider that that is a sufficiently lengthy period of time to allow for a substantive and proper consultation period, especially if the Government is seeking what is, as it described in its press statement, 'a major review of the existing traffic arrangements'?

2885 **Hon. P J Balban:** Obviously. (*Laughter*)

Hon. D J Bossino: Can the Minister assist me in advising the House who the interested parties are?

2890 **Hon. P J Balban:** No, not at this stage.

Hon. D J Bossino: With respect, the Minister, and his Department presumably, has issued a press release stating that 'all interested parties will be consulted' and they are seeking their comments. So surely, he must have a view, or must know, who those interested parties are. I just want that clarification.

2895 **Hon. P J Balban:** I will tell you at the next House, at the end of the consultation period... if you ask the question, obviously. (*Interjections*)

2900 **Hon. D J Bossino:** With respect, this is a public statement issued in the press and if the Minister himself does not know who those interested parties are, how will those parties know who they are?

The Hon. Chief Minister: For a very simple reason, Mr Speaker.

2905 **Hon. D J Bossino:** With respect to the Chief Minister, if the answer (*Interjection*) perhaps is... (*Interjection*) and I will assist... Look, we have equality of arms in the sense that I am new to this House, as indeed the Minister is. If the answer is that it is the public in general, that perhaps is an answer. Is that the answer?

2910 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has to ask questions; not ask questions and propose answers.

The answer is, Mr Speaker, that there are people that we have identified who we will be consulting. As a result of the public statement that there may be others that may be consulted. Therefore, we do not want, at this stage, to give an answer that deals only with those that we may have identified. We will give a full answer at the end of the consultation period. If the hon. Gentleman is interested in the information which will set out the people that we consulted and the people that asked us to consult them as a result of the public statement, I

- 2915 would have thought, of all the things that there are to ask about, that this one is fairly fine one..
The hon. Gentleman, in his virginal appearance in this House, has kept on asking questions on who are the parties that we are consulting and yesterday asking us questions on a bus timetable. We are happy to provide the information once we have got it. At the next House we will have finished the process and we can give him chapter and verse of who has been consulted.
- 2920 **Hon. S M Figueras:** So can the Minister then confirm that by the time of the next House, the process of consultation and the results of that process will have been completed?
- 2925 **Hon. Chief Minister:** Mr Speaker, by the next House, the process that ends on 30th January will have ended and we can tell him what happened in the course of that process; and then we can tell him, as well, Mr Speaker, what other process that might lead on to; and then, Mr Speaker, he can ask us questions about that process once it has been completed; and then, Mr Speaker, he will have the information that he wants.
- 2930 **Hon. S M Figueras:** Mr Speaker, with respect to the Chief Minister, the question was whether the process of consultation and the result of that process would be published by the next meeting.
- Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.
- 2935 **Hon. D J Bossino:** Maybe the Chief Minister should take his pill and calm down a bit.
I am completely bemused by the reply received from the Government in relation to this issue. It is a simple matter. You are inviting submissions *in writing*, which should be addressed to the Ministry in a publicly available – set out in the press statement – email.
If I am an ordinary Joe Bloggs member of the public, do I write or don't I, because it seems that the Government itself either does not know or is not willing to provide – and I still do not know why – the answer to the simple question: who... The answer, again, maybe it is... and this is what I assumed would have been the answer, which is the whole of Gibraltar.
- 2940 All I am asking is: has the Ministry identified the interested parties, who it considers to be the interested parties, who ought to participate in the consultation exercise?
- 2945 **Hon. Chief Minister:** Mr Speaker, I am as bemused as him and I offer him the other half of the pill. If Joe Bloggs is listening at twenty to nine on a Friday, he should write in – that is what we meant.
- Hon. D J Bossino:** So, going back to it, by way of clarification, is it the member of the public, any member of the public can write in to the Ministry in this email address and make submissions in relation to the major review which is being carried out in relation to the traffic plan and the traffic arrangements. Is that correct?
- 2950 **Hon. P J Balban:** Yes, sir, that is correct.
- 2955 **Hon. D J Bossino:** Well, the answer. At last we have got to the answer, Mr Speaker. (*Interjections*)
- Mr Speaker:** Order. Order.
- 2960 **Hon. G H Licudi:** Mr Speaker, the hon. Member is wrong to say, 'at last we have got to the answer', because the answer that he got now was to a direct question, which was very clear. The answers to the previous questions were answers to different questions. So the answer he got now was to the last question, as to whether the general public would be able to write in with their views, and the answer was quite clearly, yes. If he had asked that 10 minutes ago, he would have got the same answer.
- 2965 **Hon. D J Bossino:** I did ask the question.
- Hon. G H Licudi:** No, you didn't. You said, 'Who are the interested parties?'. You did not say whether anybody could write in.

2970 **Hon. D J Bossino:** Has the Minister produced a consultation document which would set out the parameters within which this public consultation exercise is to be carried out? Is there such a consultation document in existence?

2975 **Hon. P J Balban:** No, sir, there isn't.

Hon. D J Bossino: So can he confirm therefore that there aren't any parameters and there is no structure to this consultation exercise?

2980 **Hon. Chief Minister:** Mr Speaker, there is the structure that allows people at this stage, by 30th January, to write in and give us their opinions. Joe Bloggs, Damon Bossino, Fabian Picardo, opinions will be welcomed from all of them, which will lead us to a second stage and that will have a different structure, and there may be a third stage which may have an even different structure.

What he calls 'lack of structure', we may call 'structure'. That is a matter entirely for him.

2985 **Mr Speaker:** The Hon. Daniel Feetham.

2990 **Hon. D Feetham:** Yes, it is just that we are bemused on this side because is it the position that... Is the position this: that the Government has invited opinions from the general public but, in addition to that, the Hon. Minister has consulted specific interest groups that he has identified as being relevant to this exercise? Is that the position?

Hon. Chief Minister: Mr Speaker, we have set out the position *ad nauseam* –

2995 **Hon. D Feetham:** No, you haven't.

Hon. Chief Minister: – at a quarter to nine in the evening. We are not going to set it out any further. They can ask as many questions as they like. From now on, they are going to get the same answer.

3000 **Hon. D A Feetham:** Is this going to be the practice for the rest of the four years, Mr Speaker, that the Hon. the Chief Minister, every single time that the Government is in difficulty about a particular issue, just simply declines to answer it? (*Applause*)

3005 **Hon. Chief Minister:** Mr Speaker, we have given the answers that we have given. Whatever other questions they may be asking from now, they will be getting the same answer.

Hon. D J Bossino: Yes, exactly. So much for transparency, Mr Speaker. (*Laughter*)
Will the Minister advise this House whether, at the end of the consultation process, his ministry will at least publicise and publish the details of the... or at least a summary of the responses that it has received as a result of the public consultation exercise.

3010 **Hon. P J Balban:** The answer remains as previously stated

3015 **Hon. D J Bossino:** For my benefit, as it is rather late and I was forty the other week and so maybe I am getting up on... what was the answer they stated earlier.

Hon. P J Balban: As I set out before, you may check *Hansard* if you want.

3020 **Hon. S M Figueras:** Well, with respect to the Minister, we cannot check *Hansard* for that answer because that question has not asked until a minute ago.

Hon. Chief Minister: Mr Speaker our position is as already set out in the answers that we have given in respect of this subject matter. We are not going to go further. This is an ongoing consultation process. By the next House the hon. Gentleman will have seen some developments and can ask us about that.

3025 **Hon. D A Feetham:** Can he answer at least this: has the Government identified any new roads they think are necessary and has that been put to any interested parties that he may have consulted?

3030 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answers we have been given for the past five minutes.

Hon. D A Feetham: So obviously he is not going to answer the question.

3035 **Hon. D J Bossino:** Again, as part of this consultation process will the Minister advise this house whether he intends to provide feedback to the supposed interested parties that are going to be participating in this process?

Hon. P J Balban: The answer remains as previously stated.

3040 **Mr Speaker:** I think... (*Interjections*)

A Member: So the answer has to remain as previously stated, as to a question that has not been asked previously.

3045 **Mr Speaker:** I think if I understood the Hon. the Chief Minister's general response, it is that the Government has gone as far as it is willing to tonight to answer questions on this subject, as I understand it. It seems pointless to ask more questions, then. (*Interjections*)
Have I interpreted the Chief Minister correctly?

3050 **Hon. Chief Minister:** Yes.

Mr Speaker: In that case, I think the hon. Members must accept that that is as far as it is going to go

Hon. J J Netto: Mr Speaker, could I ask –

3055 **Mr Speaker:** Order, order.

Hon. J J Netto: Could I ask if it is a new policy set out by the Chief Minister that when it is quarter to nine that they will never answer a question? (*Applause*)

3060 **Hon. Chief Minister:** Mr Speaker, no. (*Laughter*)

3065 **Hon. D J Bossino:** Mr Speaker, given Government's position, I have another three supplementaries to ask but, if that is their position then that is their position. I will not press the issue. I will ask presumably after the consultation process has been completed – and the Government is relaxed with that?

A Member: Absolutely.

Hon. D J Bossino: Shocking.

3070 **Hon. Chief Minister:** Shocking, you should have been here for eight years (*Inaudible*) (*Laughter*)

Mr Speaker: Order. (*Interjections*)

Order! Order!

3075 Next item

Answers to Written Questions

3080

Clerk: Right, that completes Answers to Oral Questions. We now move onto Answers to Written Questions, the Hon. the Chief Minister.

3085

Hon. Chief Minister: I now have the honour to table the answers to written questions numbered W1 to W48 of 2012 inclusive and, Mr Speaker, may I take this opportunity, despite the lateness of the hour and how frayed tempers get during Question Time, to congratulate all the new Members of the House for their first Question Time and look forward to the next Question Time with them here.

3090

Hon. D A Feetham: May I echo the Hon. the Chief Minister's sentiments and may I ask him that, perhaps the next time, that he may *answer* our questions.

Hon. Chief Minister: Mr Speaker, he can. We have answered for two almost full days many, many questions and to suggest that we have not is really to do the usual attempt to obfuscate the truth.

3095

Government motions

Suspension of Standing Order 19

3100

Clerk: Motion number 1, the Hon. the Chief Minister

3105

Hon. Chief Minister: Mr Speaker I have the honour to move the motion standing in my name, which reads as follows:

'That this House approves, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion which has been notified by the Hon Chief Minister on 17th January 2012, and circulated by the Clerk on 18th January 2012.'

3110

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister
Those in favour: Aye. Those against.
Carried

3115

Appointment of Permanent Select Committee on Members' Interests

3120

Clerk: Motion number 2, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move the motion standing in my name, which reads as follows, namely:

3125

'That this House resolves that the following Members should be nominated to the Permanent Select Committee on Members' Interests:-

The Hon C A Bruzon

The Hon S E Linares

The Hon D A Feetham

The Hon J J Netto.'

3130

Mr Speaker, this is the motion that has been moved at every meeting of this House since 1969 to constitute

the permanent select committee on Members' interests. I have nominated two individuals, Mr Bruzon and Mr Linares and the Hon. Leader of the Opposition has nominated two, Mr Feetham and Mr Netto. I commend the terms of the motion to the House.

3135

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister

Hon. D A Feetham: Mr Speaker, we will be supporting the motion

3140

Mr Speaker: Thank you

I now put the question in the terms of the motion proposed by the Hon. the Chief Minister

Those in favour: Aye. Those against.

Carried.

3145

Clerk: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker I have the honour to move that this House do now adjourn *sine die*.

3150

Mr Speaker: I now propose the question that this house do now adjourn *sine die*.

I now put the question that this house do now adjourn *sine die*.

Those in favour: Aye. Those against.

Passed.

This House will now adjourn *sine die*.

3155

The House adjourned at 8.47 p.m.