



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.15 a.m. – 1.00 p.m.**

**Gibraltar, Thursday, 21st June 2012**

## The Gibraltar Parliament

*The Parliament met at 9.15 a.m.*

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

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

**PRAYER**  
*Mr Speaker*

## Order of the Day

**Clerk:** Meeting of Parliament, Thursday, 21st June 2012.  
Confirmation of Minutes – the Minutes of the last meeting of Parliament held on 17th, 18th, 22nd and 25th May 2012.

5 **Mr Speaker:** May I sign the Minutes as correct?

*It was agreed.*

10 **Mr Speaker:** Thank you.

**Clerk:** (iii) Communications from the Chair.  
(iv) Petitions.  
(v) Announcements.  
The Hon. the Chief Minister.

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**Appropriation Bill  
To be taken on 5th July**

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, in order to make the life of Members of this House on both sides easier and to advise members of the general public, I wish to announce that the Appropriation Bill will be dealt with on 5th July.

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That is the Government's intention.

**Mr Speaker:** Thank you.

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**Papers laid**

**Clerk:** (vi) Papers to be laid.  
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 the honour to lay on the table a Command Paper on a draft Bill for the Smoke-Free Environment Act 2012.

**Mr Speaker:** Ordered to lie.

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

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I have the honour to lay on the table a Command Paper on a draft Bill for the Employment (Public Interest Disclosure) Act 2012.

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**Mr Speaker:** Ordered to lie.

**Clerk:** 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, I have the honour to lay on the table the following reports:

The Tourist Survey Report 2011 and the Hotel Occupancy Survey Report 2011.

**Mr Speaker:** Ordered to lie.

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And I have the honour to report that, in accordance with Standing Order 12(3), the Ombudsman's Annual Report for the year ended 31st December 2011 has been submitted to Parliament and I now rule that it has been laid on the table.

**Clerk:** (vii) Reports of Committees.  
(viii) Answers to Oral Questions.

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**40th anniversary of first election to House  
Congratulations to Hon. J J Bossano**

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**Hon. D A Feetham:** Mr Speaker, before we start with Answers to Oral Questions, and taking my cue from the oath to lay aside partial prejudices – may I congratulate the Hon. the Minister for Employment, Mr Bossano, on his 40th anniversary of first being elected to this House.

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He was elected to the House, of course, on 23rd June 1972, so Saturday will be his 40th year since he was first elected, and we hope, certainly, that he remains a Member of this House for many years to come. *(Applause)*

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, it is very much on the agenda that that is a matter to be mentioned during the course of this meeting of this House.

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We have not yet got to that date and that is why the anniversary was not yet current but, certainly, an issue that the Government was – without consulting Mr Bossano, who would otherwise have *ensured* that nobody in the Government said a word... An issue that is very much on the Government's agenda but, given the opportunity that the hon. Gentleman raises the issue now, and in the absence of the Leader of the Opposition – which is unfortunate, because I am sure he would have wanted to join all of the House on this occasion – I want to record that there are few public servants in Gibraltar's history who have given as much for Gibraltar as the Hon. Minister for Employment, the Hon. Joe Bossano, has given.

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It is, indeed, incredible that somebody could have given 40 years of their life to be in this Parliament in an uninterrupted manner: not just because of the level of commitment that that reflects, on the part of the Member, but also in respect of the level of support that he enjoys in the community, as a result of the selfless way that he has conducted himself in politics since the very day that he was elected.

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In the time that I have had to prepare for my speeches at the United Nations – both as the Leader of the Opposition and as Chief Minister in recent weeks and, last year, as Leader of the Opposition, I had occasion to review the speeches made both by the now Leader of the Opposition and by the now Minister for Employment. In reading the speeches of the Hon. Mr Bossano, it became clear that his pull to politics was never about personal ambition and it was all about defending Gibraltar's place in the world. Part of what he said at the Quito seminar and part of what he said when he first addressed the United Nations, and made that a regular occurrence from 1991 or 1992, was to say that he was drawn to politics by the battle for self-determination in the 1960's.

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Anybody who works with him, or knows him well, will know that that is still the main motivation that drives him in politics, as well as protecting the rights of those who are less well-off in our society and those who are now the subject of his Ministry in respect of employment. I think everybody in this House is humbled by the contribution that Joe Bossano has made today, and will continue to make to the life of this community and to the life of this Parliament.

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I pause there, Mr Speaker, also to record that it is 40 years on the 23rd that Mr Adolfo Canepa was also elected to this House who, Mr Speaker will know that, given your own announcement about when you will be standing down, will, I hope, shortly be taking over as Speaker in the October session. That both Mr Canepa and Mr Bossano were elected on the same day in the same election, shows – and I say this for myself, not for anybody else – that the calibre of man that was elected to this House 40 years ago is much better than the men that find themselves here today – in my own humble opinion about myself... *(Applause)*.

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**Hon. D A Feetham:** If of course, I had been aware of the Government's agenda and the Government's intention to make a statement about Mr Bossano's 40th year of his election... *(Interjection)* I would, of course, have allowed the Chief Minister to lead on the issue – he can be assured about that.

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But, Mr Speaker, I also wish to add that, of course, I have discussed it with the Leader of the Opposition, and the Leader of the Opposition wishes to associate himself entirely with my words.

Thank you very much.

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**Mr Speaker:** The Hon. Joe Bossano.

**Hon. J J Bossano:** Well, Mr Speaker, all I can say is that I am speechless for the first time in 40 years! *(Laughter)*

120 **Mr Speaker:** Incredible.

**Hon. J J Bossano:** And that certainly, if there was a democratic process the victim should have been consulted and I would have then exercised my right to veto this!

125 **Chief Minister (Hon. F R Picardo):** No collegiate government...

**Hon. J J Bossano:** This is the second time they play a dirty trick on me. The last time was when they put me in that chair. (*Laughter*).

130 I hope this is not going to be a sign of things to come, otherwise I will not stay the 20 years that I promised that I would! I am very grateful for the Opposition, in particular that, we can all consider that whether we agree with each other or not on every item on policy, we are all here to defend Gibraltar.

Thank you. (*Applause*).

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## Questions for Oral Answer

**TOURISM, PUBLIC TRANSPORT AND THE PORT**

140 **Tourist Map of Gibraltar  
Installation of map dispensers**

**The Clerk:** Answers to Oral Questions.

145 Question Number 486/2012, the Hon. D J Bossino.

**Hon. D J Bossino:** Mr Speaker, yes, now for more mundane matters.

Can the Minister for Tourism, Public Transport and the Port, advise when the initiative to install the Tourist Map of Gibraltar and location map dispensers was taken?

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

**Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, this initiative was taken by a company named Cityscape Maps Ltd of the United Kingdom in a proposal made to the previous Government in 2009.

155 The company continued working with the Town Planner and the Gibraltar Tourist Board on this project, together with the Ministry of Tourism, Public Transport and the Port and the Office of the Deputy Chief Minister. The licence to install and operate the map dispensers was approved and signed by LPS on the 1st February of this year.

160 **Hon. D J Bossino:** Mr Speaker, just by way of a very short preamble can I congratulate the Minister for proceeding with what was, in fact, by the timeline that he has just enunciated to this House, a GSD initiative. But does he have any feedback from tourists and the like – is it possible to collate what the response has been to the maps and the map dispensers?

165 **Hon. N F Costa:** Yes, Mr Speaker, so far the feedback has been quite positive. There have been the usual representations about spelling mistakes here and there, and the fact that the maps do not have a spot of 'you are here' at the location – that has been the recurrent criticism. But, other than that, the fact is that they have been quite well received.

170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are there plans to signal a 'you are here' point on the maps?

175 **Hon. N F Costa:** Well, Mr Speaker, following the production of the map and after having spotted a few spelling mistakes, and the absence of that spot, I have asked that, at the next run, the map is produced to the Ministry before it is actually printed. Not just for the spelling mistakes but for things like the spots, which indicates where the person is.

180 **Beach refurbishment programme  
Details of work and cost**

**The Clerk:** Question 487, the Hon. D J Bossino.

185 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the refurbishment programme to the beaches he announced would take place to include details of the beaches it encompassed, the start and end date of the programme, particulars of the works to be carried out at each beach and its cost, broken down in respect of each beach?

190 **The 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 details of the refurbishment programme, particulars of the work carried out at each beach and its cost are provided in the schedule I now hand over to the hon. Member.

**SCHEDULE TO QUESTION NO 487/2012**

**Beaches Expenditure 2012 (FROM JANUARY TO 13TH JUNE 2012)**

	LITTLE BAY	CAMP BAY	EASTERN BAY	WESTERN BEACH	SANDY BAY	CATALAN BAY	ALL BEACHES	TOTAL
EQUIPMENT		£399.00					£2,604.82	£3,003.82
REPAIRS	£53,706.14	£26,438.20	£1,741.24		£6,303.14	£1,206.00	£1,321.10	£90,715.82
GENERAL				£20,000.00			£2,507.55	£22,507.55
SERVICES	£10,000.00	£300.20	£275.00		£540.00			£11,115.20
MATERIALS	£31.50			£535.00			£6,997.26	£7,563.76
<b>TOTAL</b>	<b>£63,737.64</b>	<b>£27,137.40</b>	<b>£2,016.24</b>	<b>£20,535.00</b>	<b>£6,843.14</b>	<b>£1,206.00</b>	<b>£13,430.73</b>	<b>£134,906.15</b>

The following are some of the extraordinary works/services included within the above schedule:

1 Lifeguard uniforms	£2,507.55
2 Repairs to lifeguard boats	£900.00
3 Repairs / servicing of outboard engines	£421.10
4 Binoculars for LGs	£299.50
5 First order of 1st Aid stock for LG posts	£1,298.50
6 Repairs to LG posts switches and sockets	£209.93
	£399.00

Cont.....

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**CONT. SCHEDULE TO QUESTION NO 487/2012**

7 Disabled toilet fittings Camp Bay	
8 Painting of pools at Camp Bay and Little Bay and necessary repairs	£28,001.84
9 Erection of new railings on bottom two tiers at Little Bay and extensive repairs to damaged promenade sections	£50,492.50
10 Beach lighting at Little Bay	£10,000.00
11 Pinewood planks to repair walkways (Eastern Beach, Catalan Bay, Western Beach)	£385.00
12 Relocation of Western Beach toilets (These works are to be charged as part of the reclamation programme)	£20,000.00
13 Repairs to verandas and beach access stairs at Eastern Beach facilities	£1,741.24
14 Transportation of LG post from W. Beach to Sandy Bay and placing on location	£540.00
15 Sandy Bay umbrella store, wooden stairs and closure of the concrete access ramp	£6,303.14
16 PVC cladding of toilets at Catalan Bay North	£1,206.00
	<b>£124,705.30</b>

Point no. 10 represents an approximate cost as GibElec still have additional associated works which need to be verified.

We have also been furnished with a new lifeguard boat store at Eastern Beach, capable of holding two vessels mounted on their corresponding trailers. This structure has been constructed as part of the on-going refurbishment and beautification programme of Eastern Beach. We have no costing for these works.

200 Whilst the schedule is being handed over, Mr Speaker, since the Government took office in December of last year, it has been working to improve the facilities that are available on Gibraltar's beaches. Innovations of this year include weekly cleaning of the beaches from 1st February of this year up to the Easter holidays. The beaches were cleaned twice monthly before, after 1st February, then three times a week from Easter until 28th April, when they have been cleaned daily since.

205 We have made provision and servicing of beach bins as from Easter. We have re-positioned the toilets at Western Beach to the entrance, where it was previously 200 metres away in a small car park. There has also been the laying of beach walkways at all beaches from mid May, which is earlier in the season than usual. There has been extra access at the beach at Sandy Bay. There has been the purchase of new lifeguard boats, that will, I am told, arrive in around two weeks time. There has also been the erection of new beach front railings at Little Bay, on both levels. There has also been the provision of street lighting in public areas at Little Bay, where none have existed before. There has also been the extra beach concession kiosk at the north end of Eastern Beach and the employment of senior lifeguards to improve the service.

210 Mr Speaker, the beaches on the eastern side have been operational since the Easter weekend whilst both Camp Bay and Little Bay are kept open all year round. This means that many of the refurbishment works carried out were of a routine nature, with a specific focus on building up to the official bathing season. With this in mind, many of the costs are shared by all of the beaches, which include items like paint, cement, sand, plumbing equipment etc. There is also generic refurbishment work carried out at all of the beaches and involves the relaying of buoys, walkways, refurbishment work by the GTB maintenance team that carry out the replacement cost of part of the toilets and changing rooms, lifeguards posts and store rooms.

215 Lastly, Mr Speaker, as I have just mentioned, there have been specific major works carried out that involve either Government or external agencies and contractors. These include, for example, the replacement of railings and the provision of street lighting at Little Bay or the re-positioning of toilets at Western Beach.

220 **Hon. D J Bossino:** Mr Speaker, presumably the cost of the list of the items that the Minister has just given this House is set out in the schedule which he handed to me a few moments ago?

225 **Hon. N F Costa:** Yes, Mr Speaker.

**Hon. D J Bossino:** Just by way of a point of clarification – I have not had a full opportunity to consider the schedule in the time available, but can he perhaps confirm to me that item no. 7, which is described as 'disabled toilet fittings Camp Bay' correlates with the last figure in the first page of the schedule which is £399, or have I got that completely wrong?

230 The reason that I raise that is because, on the first page, you have six items of expenditure but on the correlating column you have seven figures listed.

235 **Hon. N F Costa:** Mr Speaker, the way I read the table is, for instance, in relation to Camp Bay, there is a second column which reads repairs and it says £26,000: if we go to the item 7 on the second page which says 'Disabled toilet fittings Camp Bay', £28,001.84. If the hon. Member, whilst going through the table, notices any inconsistencies I will be more than happy to look at them and then get back to him.

240 **Hon. D J Bossino:** But he cannot at this stage, in this House, advise me what the expenditure of £399, Mr Speaker, is – which is the last item of expenditure on the first page of this schedule which does not have a correlating item description. Is he able to do that in this House now?

**Hon. N F Costa:** Mr Speaker, is the hon. Gentleman referring to Camp Bay £399 on the table, second to the right?

245 **Hon. D J Bossino:** After the table there is a sentence which reads

'The following are some of the extraordinary works/services included within the above schedule'

250 and then we have a list of six items, but the figures on the extreme right, in respect of which there ought to be a correlation between the description and the figure – there are *seven* figures. And it is the last one where we have a figure of £399 and I just wanted to know what that cost relates to – because there is not a correlating

description of that cost.

255 **Hon. N F Costa:** As I understand it, Mr Speaker, it is on item 6, on the first page of the schedule 'repairs to lifeguard posts, switches and sockets'. The figure of £399 relates to the equipment.

**Hon. D J Bossino:** I do not want to delve in pedantry, Mr Speaker, but it really isn't.

260 At the moment, even if that is true – and there is no reason to doubt the veracity of the Minister's statement – there is still a problem with the others because then it has a knock-on effect. There is basically still one figure which does not have a correlating description to it, even if you deal with the £399 item in the list.

**Hon. N F Costa:** Mr Speaker, as I have told the hon. Gentleman I will look into it and get back to him.

265 **Hon. D J Bossino:** Yes, fair enough, Mr Speaker. The Minister does not have that information available, I wish not to put him under the spotlight unnecessarily and maybe we can have a word later.

270 Mr Speaker, by way of further supplementary I wonder if I could probe the Minister in relation to one issue which was raised in the May session of Parliament, where my hon. and learned friend, Mr Figueras, asked him, by way of supplementary, a question in relation to beach replenishment at Sandy Bay. The answer came from the Minister, and with your permission, Mr Speaker, I will read the answer, it is a very short answer –

275 'there has been a lot of loss of sand during this last year. As you know, the previous administration did replenish the beach at quite considerable cost, but because of the absence of any groin or any other facilities stopping the sand from being taken away from the beach, there has been a considerable loss. But the public will certainly be able to access the beach'

and then, importantly, he says –

280 'works are currently being conducted or will start next week in order to facilitate that'.

Now that would have been at the end of May. Can the Minister advise this House whether the works, which I assume, given the nature of the supplementary and the context in which this line of questioning was raised – is he able to confirm that the replenishment of sand at Sandy Bay has, indeed, commenced?

285 **Hon. N F Costa:** No, Mr Speaker, the latter part of my answer related to the fact that there will be extra access to Sandy Bay.

290 There were wooden stairways set up during the length of Sandy Bay. But at its southernmost point there was not a wooden stairway access down to the beach. Because of the loss of sand, the stairway access that was there was no longer able to be of use: as a result of the loss of sand the step would have been too... and therefore, as a result, what we did, we installed an additional wooden walkway at that end of the beach.

295 In respect of the replenishment of the sand, as I pointed out to my hon. and learned friend, Mr Figueras, we will start looking at engineering assessments to be able to start beach replenishment works as from the end of this bathing season. If I recall correctly, I said there were various technical procedures that had to be satisfied and investigations carried out as to what sand etc to use, and what technique would be used, and that we also had to receive reports on what was the best form of breakwater or groin in order to avoid beach diminution, or sand diminution, once the beach was replenished with sand.

300 **Hon. D J Bossino:** Yes, I am grateful for that clarification and that reply from the Minister.

**Bus and lorry theory tests  
Details of training available**

305 **Clerk:** Question 488, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the

training measures which are intended to assist applicants wishing to undertake bus and lorry theory tests?

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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):** Mr Speaker, Schedule 4B of the Traffic (Licensing and Registration) Regulations introduced major changes to the manner in which theoretical tests for lorries and buses are conducted.

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These changes are intended to set and maintain higher standards of safety, knowledge and skills among drivers of these vehicles and improve road safety through better qualified drivers. In addition, the introduction of Traffic (Drivers' Qualifications and Training) Regulations 2008 requires *all* professional bus and lorry drivers to obtain a Driver Certificate of Professional Competence to be able to drive professionally, as well as passing their driving and theory tests. Therefore, every driver who intends to drive professionally, as well as passing the relevant theory and practical tests, must also pass a case study theoretical test and a practical demonstration test.

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These tests are aimed to improve driver knowledge and road safety among professional drivers. It was as a result of these more stringent, theoretical tests, which were introduced in the regulations that I have just cited, there has been a decrease in the number of applications for driving tests in these categories. It is in these circumstances, and in response to requests by employers in the transport sector that Her Majesty's Government of Gibraltar, in an effort to reduce unemployment, took the initiative of introducing training measures to assist applicants wishing to undertake both bus and lorry tests. So, at present, driving and vehicle examiners will be providing the training for the theoretical tests at no cost to the applicants.

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Consideration is also being given to the practical test for lorry drivers: practical bus driver training is already being conducted by the Gibraltar Bus Company. Government at present cannot provide assistance with the practical lorry driving test because the Government currently does not own a lorry that complies with the requirements of the test vehicle, as prescribed by law. The training modules are as follows: Module 1 is a theory test consisting of 200 multiple choice questions, Module 3 is a case-study consisting of multiple choice questions – it is for professional-only drivers – and Module 4 practical demonstration test, consisting of 70 verbal questions, again for professional-only drivers.

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Moreover, the Government will be subsidising the test fees and the licence costs for the registered unemployed. People in employment will be provided with the free training, but will have to bear the costs of the tests and the licence.

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**Hon. D J Bossino:** Yes, I am grateful to the Minister for setting out all the requirements, as set out in the relevant legislation, but can he confirm or advise this House, whether the regulation transposes what are EU requirements, in any event?

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**Hon. N F Costa:** Mr Speaker, I would have appreciated notice of that question but my understanding is, yes, that they do transpose EU requirements. But if he were to give me notice, or I can write to him to confirm the point, but I am quite sure that it does.

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**Hon. D J Bossino:** Well, I will just read back to the Minister the statement issued, I think conjointly, with the Minister for Traffic, Mr Balban, where they say these tests will enable drivers to drive professionally throughout Gibraltar and the rest of Europe, and have been developed as a requirement of an EU Directive which is designed to improve the knowledge and skills of professional bus and lorry drivers.

Really what I am driving at, Mr Speaker, is the Minister's confirmation that the regulation does not, if you like, impose more stringent requirements than are set out in the EU Directive which, of course, a national legislature or Government and executive in this case can do.

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**Hon. N F Costa:** Mr Speaker, I did not quite catch the last supplementary but, in answer to his second supplementary, simply to confirm that the regulations do transpose the Directives in question. I have the legislation in front of me.

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**Hon. D J Bossino:** I need to press this issue because it could lead on to another issue which I may raise, depending on the reply in a further supplementary. But I will repeat the question, which he may not have caught when I put it to him. Mr Speaker, all I want to know is whether the national legislation imposes stricter



requirements than are set out in the Directive itself?

365 **Hon. N F Costa:** Mr Speaker, as I say, I wish that I had notice of that question. My advice is that it does not. I remember having a very detailed discussion with a senior motor examiner and my Principal Secretary and my advice at the time was that the regulation simply transposes the requirements of the EU Directive.

370 I did not go any further. However, I would need to confirm that to be *absolutely* certain. But my recollection is that, no, it simply transposes the requirements of the current EU Directives and does not go any further.

**Hon. D J Bossino:** Does he accept, should that last answer be accurate, Mr Speaker, does he accept that it is an obligation of the Gibraltar Government to have to transpose this legislation, in any event – an EU obligation?

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**Hon. N F Costa:** Well, yes, if it is an EU obligation, of course we have to transpose it. Absolutely.

380 **Hon. D J Bossino:** Given that we have established that point, Mr Speaker, can he advise this House why it is – it may be an obvious question and I have had the obvious reply – but I just wanted to set it out for the record... how is it possible, then, that in the same press statement which was issued by the Minister he says that:

385 'as part of its manifesto commitments to reduce unemployment, the Government has introduced training measures to assist applicants which is to undertake bus and lorry theory tests'

Can he explain how he can make that political statement if it was an EU obligation, in any event.

390 **Hon. N F Costa:** Mr Speaker, in the first place, I do not think that the hon. Member has established any point. If it is an EU requirement that we have to transpose it into national legislation, I think that is the first point and I think it is fair to say. Secondly, what the press release says is that, as a result of the transposition of EU law into national legislation, there has been a decrease in the number of applications because the theory tests have become harder.

395 What we have done, in order to be able assist the reduction of unemployment, and for people to move into the transport sector, is for the Government too, at no cost, assist people who may wish to become lorry and bus drivers with free training. And, of course, the free training is not something that is required by either the EU directive or the regulations. This is an initiative that has been taken by this Government to make sure that we equip our home grown people with skills.

400 **Hon. D J Bossino:** I am grateful for that reply, Mr Speaker, and it does clarify, perhaps, an issue which was not clear on the face of the press statement issued by the Government.

**Hon. G H Licudi:** It was very clear to us!

405 **Hon. N F Costa:** Mr Speaker, I cannot accept that premise.

#### Flights to Gibraltar in 2013 Details of new airline proposals

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**Clerk:** Question 489, the Hon. D J Bossino.

415 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port confirm whether another airline from East Midlands will commence flights to Gibraltar in the summer of 2013 and whether he is able to announce details further to those which have been made public in the press?

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

420 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, yes, I can confirm that an airline is scheduled to operate flights to Gibraltar from East Midlands, in the UK, as from the summer season of 2013, but I am not able at this point to announce any further details. My Ministry is finalising operational details with the airline in question.

425 **Entitlement to Club Card**  
**Method of monitoring current holders**

**Clerk:** Question 490, the Hon. D J Bossino.

430 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port, advise how the Government proposes to monitor continued entitlement to the Club Card by current holders?

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

435 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker there are two mechanisms in place to monitor continued entitlement. The first is that the Club Card will expire up to 12 months from the date of issue. Therefore, holders of the card will have to validate their information before the card is re-issued. In the second place, the Employment and Training Board will inform the Gibraltar Bus Company when there is a termination of employment of the holder of the card.

440 *There was a long pause.*

**Mr Speaker:** I think we will have to move on to the next – Supplementary...

445 **Clerk:** Question –

**Hon. D J Bossino:** I am grateful for the reply, Mr Speaker.

450 The information which travels from the ETB to, presumably, the Gibraltar Bus Company Ltd, which is the entity which issues the Club Card: is the Minister satisfied...? I do not know the legal position: I am wondering whether he has received legal advice as to whether he is satisfied that there are no data protection issues which arise as a result of that travel of information, if you like.

455 **Hon. J J Bossano:** The information is a weekly return on the number of people who are no longer employed. I do not think there is anything there that... we get terminations from the employers. It does not give anything about the individual, other than he is either still employed or not employed. It does not give any other information about his income or age or anything else. It is just whether he is employed or not.

460 **Hon. D J Bossino:** Mr Speaker, as I understand it, from my legal practice, the information which is handed over by the employer – just by way of clarification, as I understand the position, to the ETB – is the notice of termination of terms of engagement.

465 Now, the information which is set out in that form is in excess of what the Hon. the Minister for Employment has just set out in this House. So, for example, one thing that automatically comes to mind is the reasons for termination, which may be – which *will* be – a reason which the employer is relying on as a cause for the employees' termination, but that reason may be hotly contested by the employee and may be the subject, therefore, of Industrial Tribunal proceedings. So it is more information than the Minister has just given this House.

470 **Hon. J J Bossano:** None of that information is passed on to anybody. The only information that is passed on to the bus company is a list of names saying these people stopped working with us on such a date, so that they know that if somebody comes on a bus who is no longer working... that is the whole purpose of the exercise – and they only get the information that they need, which is just the names and the termination date.

The only problem is that, of course, not every employer gives the information within the seven days that is

475 provided by the law, so until the ETB gets the information, we cannot pass... we cannot say so. There will be probably a time lag between the actual termination and when the information is passed to the bus company, determined simply by how long employers take to inform the ETB that the person is no longer working. Some employers actually do it *before* the employment ends and some do it weeks later, or much later!

480 **Hon. D J Bossino:** Yes, if I could home in then on that, Mr Speaker, I am not sure that I received confirmation as to whether the Government is satisfied that even the information, however limited, which is provided to the Gibraltar Bus Company by the Employment and Training Board does not breach the data protection legislation. Is the Government satisfied of that, in respect of that limited information which the Minister has helpfully told me is provided to the Gibraltar Bus Company?

485 **Hon. J J Bossano:** Yes. I am satisfied, being the provider of the information, that my Department is not breaking the law by saying that a person is no longer working in Gibraltar, which is the only thing we are telling the bus company.

490 **Hon. D J Bossino:** Yes, Mr Speaker, I am just going to... I have got a copy of the... Within the 12-month period of validity of the bus card, in the event of termination... let us say, within two months from issuing of the bus card, there is a termination of employment, how does that information then get fed through the system?

495 So I am an employee, I am employed now in Gibraltar – I live in Spain – I am therefore entitled, as a result of Government initiative to use the bus service free of charge, and issued to me is a bus card. Two months thereafter, my employment is terminated. The only qualification which entitles me, as a result of Government policy, to use the free bus service is employment. So therefore, if that criteria is no longer present, then I am therefore not... I think we all agree that that is the correct understanding of the position.

500 How, then, is that information fed through to the bus driver? Because I have a photocopy of the bus Club Card which is issued by the Bus Company, and on its face all it has is a photograph of the individual, a PCC number – I am not sure what that is – and the person's name. Other than that, it is in form – and I think pretty much in respect of a lot of the detail – exactly the same as a Club Card, which the GSD, when in Government, issued at the relevant time.

So I just wanted clarification in respect of that issue, which I think must be an important issue and must have been an issue which taxed the Government.

505 **Hon. N F Costa:** Well, Mr Speaker, it did not so much tax me, save that I did ask the question and, of course, if the information arrives at the administration office of the Gibraltar Bus Company, the way that the Club Card works is it is actually swiped through electronically. So if a person is no longer entitled for the Club Card, then I am not entirely sure what the terminological process is, but it will not be accepted, so the person will not be able to go onto the bus.

510

#### GibiBikes scheme

#### Progress with provider's contractual duties

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**Clerk:** Question 491, the Hon. D J Bossino.

520 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port inform this House what progress has been made to ensure that the company which provides the facilities for the GibiBikes scheme complies with its contractual duties?

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

525 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Government officials met recently on 24th May with the suppliers of the scheme. At the meeting, all issues regarding the scheme were discussed. This included the problems that have been encountered to date and the proposed way forward.

530 The Government expressed its concerns at the problems that have been encountered and which the contractors undertook to rectify. My information is that the defects have now been rectified.

It was agreed that a contract was in place for the supply of the scheme and therefore the remainder of the contract would be carried out. The contractor is currently mobilising and works will commence shortly to finalise the project.

535 **Hon. D J Bossino:** Mr Speaker, the Minister has just said that the defects have now been rectified. That certainly confirms the anecdotal evidence that I am receiving from people who are users of this scheme.

In his reply to one of the questions which was posed, again by my hon. learned friend, Mr Figueras, in a supplementary, there was a point made when we were trying to press the Government as to the level of commitment, if any, that they were lending to the GibiBikes scheme which was, of course, started by the previous administration. One of the points made by the Hon. Minister, Mr Speaker, as I understood it, was that no firm policy decision would be made until the commercial discussions and issues had been raised with the company which supplies the service.

540 Given that that seems already to have taken place, and that there has been a happy resolution, it seems, also – or am I going too far? – (**Hon. N F Costa:** A resolution.) a happy resolution of the issues which were plaguing the GibiBikes scheme and which the Minister set out in his reply at the last session of Parliament, is he able now to advise this House, what the Government’s policy decision is in relation to the scheme?

550 **Hon. N F Costa:** Mr Speaker, I believe I answered the question when I said that, given that there is a contract in place with the supplier of the scheme, and that taxpayers’ money had been spent to quite a large extent, in the way that I detailed in my last answer to the House, it was decided, as Government, that the remainder of the contract will be carried out. But, of course, we were not in a position to be able to carry on with the project until we were assured, and it was confirmed, that the work that the defects – the many defects which I listed on the last occasion – were rectified. Moreover, we had to receive assurances that the defects and software problems that literally plagued the system would not occur a week or two after the UK supplier had been over to rectify the problems.

555 **Hon. D J Bossino:** Yes, in relation to the former of the points he has just raised, which is the rectification of the defects, he has already confirmed that that has been done, and they have been rectified, and presumably it is the latter point which he still needs to be satisfied on, which is that there will not be a recurrence. Is that a correct interpretation of the Minister’s answer?

560 **Hon. N F Costa:** Yes, it is, Mr Speaker.

We have, obviously, sought assurances that there will not be another systematic widespread failure of the system as happened just shortly ago.

565 **Hon. D J Bossino:** Okay, and the assurances that have been sought, Mr Speaker, presumably have not been received. Is he able to provide that answer?

570 **Hon. N F Costa:** I think, Mr Speaker, at this point, because I am still in discussions with the company, it is safe to say that I shall leave no stone unturned in making sure that Gibraltarians do not suffer at the hands of the defects that were previously experienced.

575 **Hon. D J Bossino:** Mr Speaker, this side of the House is very keen that the GibiBikes scheme should continue. We think it is good for Gibraltar, and that is why it was launched under our watch.

So can I ask the Minister this question which is, given the defects are now rectified and once he has received the relevant assurances, can he confirm that he will be able thereafter to come to this House and confirm what the Government’s policy decision is, in relation to the further roll-out and continuation of the GibiBikes scheme?

580 **Hon. N F Costa:** Mr Speaker, as usual, the hon. Gentleman cannot help asking me a supplementary without first prefacing the question with remarks that really do demand an answer.

If the hon. Gentleman tells me that the Government was so keen with a bike scheme that had 15½ years in which to do it, and they only decided to roll it out on 27th November of last year, so they could not have been

that keen on an urban bike scheme.

585 To answer the question, yes.

**Hon. D J Bossino:** I am grateful for the reply, Mr Speaker, and he can rest assured that I will continue pressing him on this issue, as we move along.

590 **Hon. N F Costa:** I very much look forward to it, Mr Speaker.

**Mr Speaker:** There really must be supplementaries within questions, not statements to end a discussion.

**Hon. N F Costa:** I will take that point of order, Mr Speaker.  
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### SPORTS, CULTURE, HERITAGE AND YOUTH

#### World War II blast wall at Grand Battery Demolition

600 **Clerk:** Question 492, the Hon. S M Figueras.

605 **Hon. S M Figueras:** Mr Speaker, can the Minister for Technical Services confirm the date on which works to demolish the World War II blast wall at Grand Battery began?

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

610 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, this question will be answered by me in my capacity as Minister for Heritage.  
The demolition of the wall commenced on Monday, 21st May 2012.

615 **Hon. S M Figueras:** Mr Speaker, it appears that the Minister for Technical Services is somewhat surprised that the question was directed at him. Simply to clarify: I have raised the question so that it be asked of him, but it was the Government's decision to allocate the question to the Minister who has answered the question.

I asked the question originally to the Minister for Technical Services simply because it was in relation to the demolition of a wall, and I assumed – some may argue perhaps in error – that it was the responsibility of the Minister for Technical Services. It appears that it is not and I am grateful for the answer.

620 However, in relation to the answer, it is surprising, certainly to Members on this side of the House, that given the current Government's policy of openness, transparency *and* their stated policy of running certain Government projects through the DPC for consideration in the first instance and then approval at a later stage, that the demolition of the wall started on 21st May when, in fact, the application was set down in the agenda for a meeting of the DPC on 24th May. (**Several Members:** Ooh!)

625 Perhaps the Hon. Minister can answer this question: does he not consider (*Interjections*) that it is rather embarrassing in fact that, having this policy of running these projects to the DPC, having had that project on the agenda – a copy of which I have here, and could pass on to the Minister if he needs to have sight of it – that it was on the agenda, that works began without actually having had it considered, because it may well be that they did not seek the approval, but that the DPC did not even get the opportunity to consider it.

630 **Hon. S E Linares:** Well, Mr Speaker, on his first point, not only is it the prerogative of the Government who answers your questions, but you were directing it to the wrong person. It does not mean that Technical Services always demolishes all the walls in Gibraltar, and therefore there is a process in which demolition of walls take place.

635 But in answer to the second part of his supplementary, this project was started by Carl Viagas on behalf of Government's consultation with the Gibraltar Heritage Trust. The scheme was presented to the Board of the Heritage Trust on 10th May 2012, as required by the Heritage Trust Act, and confirmed that a consensus of

the approval of such a wonderful scheme was reached by the Board on the same day.

640 The scheme was also presented for planning approval, with approval issued by the DPC – and I am correcting him – on 18th May – ‘Ooh!’ then (*Laughter*) – by the Chairman of the Planning Commission and the demolition permit was issued on 21st May.

**Hon. S M Figueras:** Mr Speaker, I am grateful for those details. (*Laughter*)

645 The premise of the question in the first instance, Mr Speaker, was that the project was down for consideration by the full DPC, of which submitting applications to or projects to this Government is very fond, on 24th May. I certainly was not aware that these permits had been sought prior to the project being undertaken, nor that the Heritage Trust had been consulted.

650 Now, be that as it may, Mr Speaker, it is rather hypocritical of the Government to say, ‘We will run Government projects by the DPC’, albeit for consideration, if not approval, which is the subject of discussions that we have had in this House in the past, and then to say that it is okay to just do it by consulting with the Heritage Trust and not giving the DPC the opportunity to formally, in open session, open meetings which they themselves created, give the approval, or at least the nod, for the works to begin.

655 I also understand, Mr Speaker, that there were time constraints and that there were time pressures in respect of this particular project, and it is the prerogative of the Government – and it was certainly the policy of the previous GSD administration – that when Government needs to take action, it will take action and therefore no Government projects went to planning; but it is rather hypocritical to criticise that policy for many years in Opposition and then for the Government to do precisely the same, when they enter office.

Will the Minister not concede that it is, in fact, rather hypocritical of him to take that process?

660 **Deputy Chief Minister (Hon. Dr. J J Garcia):** No, Mr Speaker, the Government will not concede.

I will not concede for the very simple reason that this project was conceived and started when his party was in Government without going to the DPC. We continued with the project, we then went to the DPC before the demolition started. So it is obvious, Mr Speaker, that the Member has not got his facts right, I am sorry.

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**Hon. Dr J E Cortes:** Mr Speaker –

**Hon. S M Figueras:** Mr Speaker – (*Interjections*)

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**Mr Speaker:** Order, order!  
I will allow the Minister –

675 **Hon. Dr J E Cortes:** – just an expansion on that: the project was, in fact, discussed... well, approved, by DPC by way of round-robin, previous to the – (**Several Members:** Aaah!) (*Interjections*) (**Mr Speaker:** Order!)

Absolutely, all members of the DPC were consulted and approved it, and then the decision was ratified although, as the hon. Member says, it does not yet require approval, but all members were consulted before the demolition and it was approved and then it was ratified at the next meeting – the next available opportunity, precisely because of the time constraints.

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So not only is my hon. friend correct, in that it was already a project conceived by the previous administration, but it actually resulted in the whole of the DPC having an opportunity to express its view before it started.

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**Mr Speaker:** The Hon. Selwyn Figueras.

**Hon. S M Figueras:** Well, Mr Speaker, I am at a loss to understand how anyone in the public would have objected or posed any kind of objection to this project in the round-robin exercise. This, Mr Speaker – and I wonder whether the Minister will agree – (*Applause*) has shades of the North Gate of the dockyard.

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**Several Members:** Hear, hear! (*Interjection by Hon. S E Linares*)

**Hon. Deputy Chief Minister:** No, Mr Speaker, the point here is – (*Interjections*) Mr Speaker –

**Mr Speaker:** Order, order, order!

695 I want to hear the Hon. Deputy Chief Minister.

**Hon. Deputy Chief Minister:** The point here is, Mr Speaker, that this project started and was conceived under his party when they were in Government, that they did not believe in going to the DPC, that we simply continued with the system that was already there, with a project that was already there which had not gone to the DPC, but we decided that it should go to the DPC as a round-robin. More than that, the Heritage Trust, GONHS and the Department of the Environment were all consulted and went on site to examine it before the demolition happened.

**Hon. S M Figueras:** Mr Speaker, I hate to be the one to point out that it appears that the Deputy Chief Minister is confused at this stage because, upon taking office, Mr Speaker, their policy, as stated in this House, was to adopt the policy of the previous GSD administration and not run for the time being any Government projects by the DPC.

705 However, in this instance, that particular Government project was set in the agenda for the meeting of 24th May – and let us not forget, work started on 21st – and no consideration was allowed by the open meeting of the DPC prior to work starting. This, Mr Speaker, and I am certain he will not agree, but I will ask him whether he accepts that it is in stark contrast to the policy of openness and transparency, (*Interjection*) that you allowed this project to continue the way it did, without consulting the DPC. (*Interjections*)

**Hon. Deputy Chief Minister:** The Government does not accept that. The Government accepts that there is a measure of confusion, but that confusion is not on the part of anyone on this side of the House, Mr Speaker.

I think the hon. Member has to understand that our commitment is that projects will go to the DPC for an advisory or for informational purposes at this stage, and that is within the term that the projects could be subject to planning, in the same way as any other application.

710 Now, at this particular juncture, this project was inherited from the previous administration, where they did not believe we should have gone to the DPC, so what is hypocritical is that the hon. Member should himself accuse us of hypocrisy when they themselves do not believe in the course of action they are now advocating, Mr Speaker!

**Hon. S M Figueras:** Mr Speaker, notwithstanding the manifesto commitment of the now current Government, where on page 45, every person who has filed an objection to any development will be entitled to be heard by the Commission, will the Hon. the Deputy Chief Minister confirm what the point was of putting the application through to the agenda of an open meeting of the DPC, if it had already been pre-approved?

725 **Hon. Deputy Chief Minister:** No, Mr Speaker, the hon. Member does not understand that works had already started under his administration. We simply inherited the project that was already *ongoing!* (*Interjections*) So in other words, it goes to planning, it goes to the DPC, before work starts. Works had already started under his Government, when his party was in Government.

735 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Deputy Chief Minister, works for the demolition on the wall started on 19th May – five days before the scheduled meeting of the DPC.

**Hon. S E Linares:** No! Mr Speaker –

740 **Hon. S M Figueras:** Sorry, in your original answer –

**Hon. S E Linares:** Yes, 21st May.

745 **Hon. S M Figueras:** Sorry, 21st May. (**Hon. S E Linares:** Yes, yes.) I mean, Mr Speaker, the wall had been demolished before the matter went before the open meeting of the DPC!

I ask again: what was the point of even keeping the matter on the agenda, for a wall that had already been demolished?

**Hon. S E Linares:** Mr Speaker, he does not seem to understand that – (*Interjection and laughter*) Is that a nervous laugh, from the person who does not even ask questions.

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Mr Speaker, in my supplementary, I actually said that the scheme was also presented for planning – *was presented for planning* – on 18th; not on 24th like he is saying. It was *approved* on 18th by round-robin. (*Interjections*)

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**Mr Speaker:** Order, order, order! The Minister is answering.

**Hon. S M Figueras:** [*Inaudible*]

**Hon. S E Linares:** Right, so it meant that everybody in the DPC had their say – *everybody*. Every member of the DPC was aware of this. And then it was ratified in the open on the 24th.

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So what I am saying is that it *did* go to the DPC, it did actually go to the DPC, unlike when your party was in Government – it did not go to the DPC, it did not go to the Heritage Trust. It was already an ongoing project, so we carried on with it.

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**Hon. S M Figueras:** But that, Mr Speaker, was the policy of the GSD at the time, and at least we had the political *honesty* to be consistent in respect of it – (**Several Members:** Hear hear!) (*Applause*)

What the Hon. Minister does not seem to understand is that *their* policy of openness and transparency contemplates the participation of the public in meetings of the DPC – and presentation on the 18th to the DPC itself, without the public being present, is not an observation of that commitment. That is what we are complaining about. What, Mr Speaker, was the point of the matter going before the open meeting of the DPC set down for 24th May, when the wall had already been demolished?

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**Hon. Deputy Chief Minister:** The hon. Member very clearly does not understand the process or the procedure involved in planning. Normally, an applicant comes with an application – in this case, it is the Government – the application is discussed and then work starts.

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In this particular case, works had already started (*Interjection*) under the previous Government. This was simply a continuation of the works which *they* had started and for which they did not seek planning. There have been many Government projects since we have been in office now that have gone to the DPC.

Recommendations have been made and those recommendations have been accepted by the Government, without being obliged to do so. So the hon. Member should not stand there and accuse us of being hypocrites because, really, the ones who are being politically hypocritical is them. They are asking questions on a totally false premise, that is to say, the works on the project as a whole had already started by the time this –

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**Hon. S M Figueras:** Mr Speaker, I am at a loss to understand how they can continue to make that particular point.

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What was the point of the matter even so much as going before the open meeting with the DPC if the works had been completed, because they are saying that the works began – which they were not, because they were only begun on Monday, 21st May, as confirmed by the Minister in his original answer? I cannot understand how they seek to pursue this point of demolition.

Mr Speaker, I will say little more on this because the point has been made and it is obviously lost on the hon. Members opposite, but one last time: will the Minister not accept that it is... I will not say the height of political hypocrisy, because I don't want fisticuffs, (*Laughter*) but is it not at least *slightly* hypocritical to say that we are going to go to the open meetings of the DPC with Government projects and then do this exact thing in respect of something that was as high profile as it was?

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**Mr Speaker:** The Hon. Minister for the Environment is dying to say something.

**Hon. Dr J E Cortes:** Mr Speaker, the object of having this at the open meeting was, in fact, openness and honesty.

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A decision had been taken without any objections by round-robin. It could have been easily hidden away, like used to happen in the case of the former administration, but, no, the Commission felt that it had to be consistent with its policy, that it had to be discussed at a public meeting – or a meeting in public, which is different to a public meeting. It was discussed and no objections were raised.



805 Had there been objections, then perhaps we would have been in some difficulty, or perhaps the works would have stopped and have been altered, but there were no objections because, Mr Speaker, the only people who could have objected had already been consulted by round-robin and had included all the non-governmental organisations who have a role in this, and they had all approved.

So the fact that it went to the open meeting was a logical consequence of openness and honesty.

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

**Hon. D A Feetham:** Does the hon. Gentleman accept that, in fact, in relation to World War II heritage sites there is capable of being far more emotion attaching to World War II heritage sites than perhaps heritage sites that are much older, because there are, for example, retired servicemen or serving servicemen who may well take a different view to the position of the Heritage Trust?

815 In the light of that, doesn't he think that it is not acceptable, when you have a policy of consulting relevant stakeholders, when you have a policy of having an open, transparent planning system, which is *their* policy, of just simply consulting the Heritage Trust and not consulting the general public and therefore allowing servicemen or retired servicemen or members of the public to actually make any comments in respect of a project? Does he not accept that?

820 **Hon. Deputy Chief Minister:** No, Mr Speaker, Government does not accept anything of the kind. While there may be an emotional attachment on the part of certain people to the World War II fortifications, the fact is that we did consult all the relevant stakeholders, both in the DPC round-robin and earlier when they went on a site visit to look at the project.

825 They must remember that this was started under their administration, Mr Speaker. This was a project that *they* started. *They* had a commitment to a secretive, closed planning process, and they conducted it in that way. We came in, we inherited the project, and we simply continued with what was already there, but we included an element of consultation which did not exist before.

830 **Hon. S M Figueras:** But, Mr Speaker, their administration entered office on 9th December 2011. They had every opportunity to consult the public on this project, which the GSD had allegedly chosen to do in secret and without consultation.

835 Isn't it the case, Mr Speaker, that the Deputy Chief Minister, or any other of the Ministers, *could* have brought this matter to the public's attention in an open meeting of the DPC if they had wanted to or they had not run out of time?

840 **Hon. Deputy Chief Minister:** Mr Speaker, the project was discussed by all the relevant stakeholders. They were all consulted, they gave their consent – primarily, the Gibraltar Heritage Trust, whose role and whose statutory duty it is. So that consultation did take place, so the element of consultation which the hon. Member is complaining about simply is not the case. There was consultation, the relevant bodies were involved in that consultation, and the works were carried out.

Again, he has to remember that this project started under *their* administration when *they* were in government, with the closed and secretive planning process that they had.

845 **Hon. S M Figueras:** Mr Speaker, does the Hon. Deputy Chief Minister consider the public a stakeholder?

850 **Hon. Deputy Chief Minister:** Mr Speaker, we consider the public a stakeholder. We give a far more serious approach to the views of the public as a stakeholder in the planning process over the last six months than they ever did in 16 years. (*Applause*)

**Hon. S M Figueras:** Mr Speaker, with all due respect, that is really rather weak. (*Interjections and laughter*)

855 Their policy was at the other end of the spectrum to ours, according to them, and they are the ones who are all about consultation, consideration and the public's consternation. They are the ones who are about openness and transparency. Now, it is not appropriate, in my view, for the Hon. the Deputy Chief Minister to continually refer to the practice of a previous GSD administration whose policy was in stark contrast to theirs – and we have no issue accepting it – to then say, 'We only did what the GSD administration was doing for 16

years and what we complained about for 16 years.'

860 Is the public, in the Deputy Chief Minister's eyes, a stakeholder –

**Hon. G H Licudi:** He has answered that point already.

**Hon. S M Figueras:** – and does this foreshadow –

865 **Hon. G H Licudi:** Mr Speaker, on a point of order, the hon. Member has asked the same supplementary previous to this one on a number of occasions, that very same one.

Now he is asking *again* the same supplementary as to whether this side of the House considers the public a stakeholder. That question has been asked and answered; we should simply move on.

870 **Hon. D A Feetham:** Mr Speaker, that is not a point of order, (*Interjection*) and unless the hon. Gentleman wants to change places with the Speaker of the House –

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

875 The Standing Orders do provide that a question that has been asked and answered... However, I will allow the hon. Member to finish asking the question before I can rule on that. Now that he is on notice, he might probably phrase his question accordingly.

880 **Hon. S M Figueras:** Mr Speaker, does the Hon. Deputy Chief Minister concede that this foreshadows a Government policy of not consulting the public in respect of the treatment of World War II heritage sites? (*Interjection*)

885 **Hon. Deputy Chief Minister:** Mr Speaker, the answer once again is the same: the Government attaches a considerable degree of importance to consulting the public in relation to planning applications. This is why meetings of the Development and Planning Commission are now held in public. This is why the minutes of the Commission and the agenda are now published online. None of this used to happen when I was sitting on that side of the House asking the questions, Mr Speaker.

890 The hon. Gentleman should consider, in relation to this particular project, it was a project which started under *their* administration, when *they* were in government, under the rules that existed at the time. When we came in, we simply took on the project and decided to introduce a greater element of consultation than had existed before by consulting all the relevant stakeholders and by consulting the Development and Planning Commission by round-robin. It was then included in the agenda of the DPC, for reasons my hon. friend, Dr Cortes, has already explained. So the answer is the same answer: yes, we attach a considerable degree of public importance, certainly much more than they ever did.

895 **Mr Speaker:** I think the subject has been thoroughly aired. A supplementary must be a distinctly different question now.

900 **Hon. S M Figueras:** Yes, Mr Speaker. I asked the question in respect of whether the public was a stakeholder. We got the answer; that much was granted.

**Mr Speaker:** It has been dealt with.

905 **Hon. S M Figueras:** The Hon. Deputy Chief Minister has said that they attach considerable importance to the views of the public. However, he has not answered the question in confirming whether or not they consider the public's views important enough to consult them in respect of the treatment of World War II heritage sites.

There simply was no answer, Mr Speaker, and that is all I am after.

910 **Mr Speaker:** Again, I must remind the hon. Member there must be a question in a supplementary. There is no point in standing up and making a concluding summary of what has been discussed. There was no question there, and I think that is very clear. There was no question there.

Next Question, please.

**Old airport building  
Fire certificate**

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**Clerk:** Question 493, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Government advise when the fire certificate at the old airport building expired and when it was renewed?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, a fire certificate for the old terminal has never existed. The building had a certificate of fitness issued when it was built.

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**Hon. J J Netto:** Mr Speaker, for the sake of clarification, the Hon. Minister said that, instead, what it had was a certificate of fitness. Can I ask the Minister whether that certificate of fitness has expired in the last few months, perhaps?

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**Hon. S E Linares:** No, Mr Speaker, because what happens usually is that a building gets the certificate of fitness and then it is maintained, and through the maintenance they look at how the building is. You do not get a certificate of fitness for a building and then it expires.

What has happened is that the old terminal has always had maintenance contracts to ensure that the fire extinguishers, the emergency lights and fire alarms are functioning and maintained properly. So once the certificate of fitness is given, then the rest is maintained adequately and checked, obviously, but it is not a certificate of fitness, as such. The certificate of fitness is given when the building is done at the beginning.

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**Clerk:** Question –

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**Hon. D J Bossino:** Is it the intention... Sorry, Mr Speaker.

**Mr Speaker:** The Hon. Damon Bossino.

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

Given the fact that we have the new airport building and both buildings are now currently operational, is it the Government's intention to continue carrying out these checks which the Minister is talking about, and for how long?

Really, the point I am trying to drive at is at what time will the operational aspects of the old building cease, if at all, once the new airport building is fully operational? Can the Minister answer that question?

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**Hon. S E Linares:** Mr Speaker, I have not got the information as to when all the operations of the old building will be transferred to the new one, but what I can assure him is that whilst the old one is functioning the maintenance contract still exists. So that is as far as I can answer the question.

It implies, therefore, that when the functions of the old building move to the new building then the contract for the maintenance will not be necessary because the old buildings are not there any more... we do not use it any more as a terminal.

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**Civil Contingencies and Departmental Press Officer  
Appointment**

**Clerk:** Question 494, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Civil Contingencies tell us who has been selected for the position of Civil Contingencies and Departmental Press Officer?

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

970 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, Mr Stuart Green has been selected for the post of Civil Contingencies and Departmental Press Officer.

**Hon. P R Caruana:** Surprise, surprise, surprise!

975 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, Mr Green is a retired Lieutenant-Colonel and former MoD press officer. He is non-local and he now takes up a new Gibraltar Government post. Were there no young locals looking for work suitable for the job who would want to start out a career as a press officer?

980 **Hon. S E Linares:** Mr Speaker, there were applicants and the board actually selected Mr Stuart Green. I can give her a little bit more information – Mr Stuart Green has been given a contract for three years in order to start a training process, or at least a succession programme, and he was obviously deemed by the board to be the person to do that job at this moment in time.

985 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that it is the height of hypocrisy that, after years of his Government (Interjections) when in Opposition, criticising the GSD Government for employing retired and non-local individuals, that they are now doing exactly the same?  
If it was wrong for the GSD, it is wrong for the GSLP.

990 **Hon. S E Linares:** Mr Speaker, I do not agree with that at all, because the difference is that this gentleman is on a three-year contract to do that job, in order – as opposed to what the GSD used to do – to retrain people in Gibraltar so that they can do that job. So it is not a question of this gentleman getting a full-time job, like the previous administration used to do to every Tom, Dick and Harry.

995 **Hon. P R Caruana:** Tom, Dick, Harry and Stuart!

**Hon. S E Linares:** Or Stuart, yes, (*Laughter*) for three years, as opposed to... Yes, Mr Speaker, and Stuart, for three years. The difference with Tom, Dick and Harry, as opposed to Stuart, is that Stuart is for three years and Tom, Dick and Harry were *enchufao* by you. So let's not go any further.

1000 Mr Stuart Green also went through a process – as opposed to what the GSD used to do – of interviewing and selection, so that is the difference. So there is no height of hypocrisy at all.

1005 **Hon. J J Netto:** Mr Speaker, could I ask the Hon. Minister – because he did mention in his earlier contribution that there were other applicants who went for an interview, I think he said – could he tell us how many local persons went for the interview?

**Hon. S E Linares:** Mr Speaker, I need notice of that question and I have not got that information.

1010 **Hon. Deputy Chief Minister:** I should add, by way of additional information, that the Government has also appointed a deputy press officer who is a young Gibraltarian, who will be starting work on 2nd July.

1015 **Hon. J J Netto:** Mr Speaker, I acknowledge the fact that he might need notice of the question for him to be able to give me an answer but, if I were to write to him, perhaps, would he be able to tell me how many local people applied and whether, in the view of the board, they felt that the local people were either not qualified or not experienced enough?

**Hon. S E Linares:** Mr Speaker, I am willing to give him the numbers of applicants, but I am not willing to give him the second part. That is up to the board.

1020 I am not going to give him what the board has discussed or said about the actual interviews. That would be data protection in itself. So we cannot disclose. I will disclose the number, but not even the names of the people who applied. It is a data protection issue.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Deputy Chief Minister tell us who the

local deputy press officer is who will be starting on 2nd July?

1025 **Hon. Deputy Chief Minister:** Mr Speaker, it would not be appropriate to tell the House before the person actually starts. So, if the hon. Member would like to ask that question again next month, I am sure we will be able to answer it.

1030

**Culture and Heritage Agency  
Details of trainees**

1035 **Clerk:** Question 495, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Culture and Heritage provide details of trainees presently assigned to the Gibraltar Culture and Heritage Agency, explaining the arrangements/terms and conditions under which training is taking place?

1040

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, the total number of trainees assigned currently to the Gibraltar Culture and Heritage Agency are as follows. And this again, they are from the trainees... We are training them. They can come in and out, but the numbers are five Grade 1s, four Grade 2s and five Technical Grade 1 – maintenance.

1045

On the second part of his question, the terms and conditions are as the Gibraltar Training Scheme. Maintenance staff will carry out general maintenance courses at the Gibraltar Training Centre, and other staff – accounts, administration and reception – are carrying out on-the-job training.

1050

**Hon. E J Reyes:** Mr Speaker, would the hon. Member please clarify for me: he said there are five Grade 1s and four Grade 2s, for example, who come and go, so they are not people who are permanently attached there, but sort of can vary on a day-to-day basis as to who the individual is?

1055

**Hon. S E Linares:** That depends on the ETB. They are there for... they might be three or four months in the training and then we might have another few. It depends on the ETB and on what has already *extensively* been explained here in this House.

1060

**Hon. E J Reyes:** So, Mr Speaker, am I correct in assuming from there that what the Agency then is doing is, it is accepting trainees sent in from the Future Jobs Strategy and so on for an agreed period of time, and when that time is completed they go back and so on? It does not necessarily mean that those individuals are being trained so that after  $x$  number of months they will become employees of the Agency?

1065

**Hon. S E Linares:** It could well be, if the vacancies come out, and until the vacancies come out, no; so if there is a vacancy, I am sure that those trainees will be the first ones to apply, because they have already got the training, which is what has been explained previously.

What I am saying is that those trainees are there on the job and if ever the Culture and Heritage Agency brings out the vacancies, I am sure all those trainees who have had on-the-job training will be the first ones to apply. It is obvious. That is what has been explained *ad nauseam* in this House, how the system works.

1070

**Hon. E J Reyes:** No, Mr Speaker – I am a bit confused – what has been explained is that the trainees have entered into a sort of a contract with the company that is giving them training, and that company has to sign on a dotted line at the end of a period of which they have to employ them. Is this not also applicable, or am I just being confused?

1075

**Hon. J J Bossano:** Mr Speaker, the Government Departments where people are placed do not have to sign anything saying they will take on the trainee because, as I have made clear in answer to previous questions in previous meetings of the House, it is not the case that the people who are being put in Government

Departments are being put in the Government Departments in anticipation of joining the Government service.

1080 The reality, as will be obvious from the answers to the questions that are down to me to answer, is that the numbers that were taken on from the VTS Scheme included people who were in the private sector, where the employer in the private sector was not willing to enter into an agreement to give them a job. Therefore, rather than have somebody perhaps learning less in the private sector than he might be learning if he was in a Department, those people... I think there are only 88 now left who are still in the private sector because we have not been able to slot them elsewhere, but the bulk of the people who are slotted in Government areas are 1085 people who were originally in the Scheme but where the employers with whom they were placed were not prepared to give them a guarantee of employment. Therefore, they are no worse off because they have not got a guarantee of employment... and they did not have one before.

1090 **Hon. E J Reyes:** I am grateful for that, Mr Speaker. So, then, for the purposes of what the Minister for Employment has explained, the Culture and Heritage Agency is taken as any other Government Department and, therefore, when a vacancy arises, it will not necessarily go to this individual, he has to apply.

1095 However, Mr Speaker, I also implied, in explaining the arrangement terms and conditions... What I am trying to get at there is the Culture and Heritage Agency, by the very nature of its work, its duties and responsibilities, has to organise a series of events that mainly take place outside normal office hours so, if these trainees, in undergoing the training, attend these types of events and so on, they will be working alongside a normal permanent and pensionable employee of the Agency who, perhaps, is being paid overtime – there could even be a premium rate because it is a specific bank holiday and so on. Are these individuals then entitled to any sort of additional payment from the Agency as such, or how is the training scheme catering for that? 1100

1105 **Hon. J J Bossano:** Mr Speaker, the employer is the Employment Training Company Ltd or the Graduate Company, depending on whether people have got a degree or not, and that employer only employs him for the basic week of 39 hours. If the person with whom they are placed wants them to do extra hours, then they have to be paid by the placement and not by the employing company.

1110 I am not sure whether instances like that occur in this area, but I can tell him, as a parallel example to what he is pointing out that, for example, in the case of the trainees that we have got in areas like the Care Agency, who are trainee carers, there the shift allowance that is paid to normal employees is paid by the Agency to the trainees from the ETB. The ETB does not pay them the shift allowance. The ETB pays them a basic wage because the ETB does not have, in their system of employment, provision for shift allowances for people. So where people are being asked to do something above the normal requirement that others are being asked, then it is a matter for the employment area to pay. Clearly, I would imagine no Government Department is going to be expecting people to work for free.

1115 **Mr Speaker:** I think the Hon. Daniel Feetham...

**Hon. D A Feetham:** Yes, Mr Speaker, can I ask the Hon. the Minister for Culture... He said that it is obvious... I have a note of what he said: 'It is obvious that those people doing on-the-job training will be the first to apply.' I think that is what he said.

1120 Does the Government envisage that those people who it is 'obvious will apply' for the jobs that they have been doing in training will be given an advantage in the selection process?

**Hon. S E Linares:** No, there is no advantage at all. In fact, it depends on whether the vacancy comes out in the first place. If the vacancy does come out, there is no advantage given to anybody. They go to the board.

1125 What I am saying is that it is obvious that, if you have done the job, it is *probable* that within the selection board they will look at you in a different light, but there will not be anybody saying to them, 'Look, this is the person who...' It is part of the CV and it depends on the CV.

**Hon. D A Feetham:** Yes, I understand that it is part of the CV. I was not suggesting that the Hon. the Minister is going to be talking personally to any member of the board.

1130 What I am asking is about Government policy. Is it the Government's policy to actually give these trainees an advantage over those who may apply from outside the service by actually giving them that on-the-job training? Because that is what it appeared that the hon. Gentleman was actually getting at when he gave the

answer to my hon. friend, Mr Reyes.

1135 **Hon. J J Bossano:** Mr Speaker, can I remind the hon. Member opposite that the view of the previous  
administration was that the VTS trainees had a better chance of getting a job precisely because they were  
being given training. There was no guarantee that they would get a job, but their prospects of getting it were  
improved. We believe that the prospects of those we have inherited are continuing to be improved as a result  
of the opportunity they are getting to be at work.

1140 Clearly, if we have got somebody, for example, who has not worked in an office at all before, he is less  
likely to impress the selection board than if there is somebody who has worked, in the space of a year, in half  
a dozen different offices. To that extent, one assumes that they are better placed, but it is the judgement of the  
people who do the interviewing, not of the Government.

1145 **Hon. D A Feetham:** Yes, I quite understand that there cannot be any guarantee, and I repeat that I  
understand that the board undertakes the selection process, but I am asking about Government policy and  
Government intention. Is it the Government's policy and is it the Government's intention, bearing in mind  
that there are so many people who are under the Future Jobs Strategy Scheme, to effectively give them an  
advantage over somebody outside in relation to these particular jobs? That is the question.

1150 **Hon. J J Bossano:** It is a question, Mr Speaker, that seems to be contradicted by what the hon. Member  
understands, because if the hon. Member understands that they are not being given any indication that the job  
is waiting for them, guaranteed, or that... The only advantage that they have, in the view of the Government,  
is the advantage that they had when the previous Minister who was responsible for training claimed that there  
was an advantage.

1155

**Mr Speaker:** The Hon. Jaime Netto.

1160 **Hon. J J Netto:** Mr Speaker, I just really wanted to get some clarification from some of the comments of  
the Minister for Employment, because he did say, at some point earlier on, that some of the trainees are being  
sent to the Care Agency. From memory, I think some of the trainees were sent to the Calpe Ward in St  
Bernard's Hospital.

1165 He has also been mentioning the fact that this is just for the purpose of giving them an opportunity to do  
some training on site in the particular environment where they are working to gain at least some experience of  
the nature of the work that they are undertaking. As I remember – and I wish to be corrected if I am wrong –  
in the Calpe Ward they did send a number of care worker trainees, if I am correct. Do I take it, then, that part  
of the policy of the Government is that, while giving the opportunity to those trainees to be there, they will  
not necessarily be guaranteed a job, so that when vacancies do arise in the Care Agency in the future,  
everyone in the labour market will be allowed to compete for the particular job? Is that the case?

1170

**Hon. J J Bossano:** No, Mr Speaker, I think the reference that I made to the parallel with the question from  
the Hon. Mr Reyes was in relation to getting extra pay, not in relation to the employment prospects.

1175 In the cases, for example, where people are training to do the SRN or training to be carers, they are being  
trained because we know that they are needed and there are vacancies there, and the purpose of the training is  
that, at the end of the training, they will be taken on. But in places where there is no vacancy and we are not  
training people specifically for a vacancy, the position is about training them to give them skills that will  
improve their prospects of employment.

1180 So I think, outside the area of health and social care in the Care Agency or in the GHA, there are no  
people being trained for a specific job at the moment. There may be in the future – like there are in the private  
sector, there may be opportunities in the public sector – but, at the moment, the only two areas of the public  
sector where there is specific training designed to produce people with skills that will enable them to occupy  
vacancies that we know will exist in the future, are in those two areas.

1185 **Hon. D A Feetham:** Mr Speaker, in the normal course of events, the vacancies that may come out in the  
Hon. Minister's Department – the Minister for Culture and Heritage – would be advertised and everybody  
would have an equal advantage in relation to that particular vacancy, depending on their experience. Does he  
not agree with me that by placing these individuals from the Future Jobs Strategy, which has become a

1190 necessity in actual fact, because you have so many of them and you have made so many promises to them in relation to guarantees of jobs... By actually placing them to acquire these skills in the hon. Member's ministry, are you not effectively giving these people an advantage in respect of others outside who may be applying for those jobs, and is it not as a consequence of a flawed policy – in other words, the promises that the hon. Member made at the General Election time to all these trainees and all these various people?

1195 **Hon. J J Bossano:** Mr Speaker, the 'flawed policy' is flawed in the eyes of the hon. Member.  
Presumably the hon. Member prefers that we should not be providing training to the unemployed, notwithstanding the fact that they justified what they were providing under the VTS as doing precisely what he says the present Scheme is doing, which is to provide people with training so that, as a result of the training, their prospects of obtaining employment would be increased over the advantage of those who were not getting the training.

1200 The only difference between what *they* were doing and what we are doing is (a) that we are paying more, and (b) that it is more specifically related, in the private sector in particular, to people not being used as free labour and then being returned back to the pool to be replaced by a new guy, and that was one of the big things that was undermining the credibility of the Scheme in the eyes of many of the users. They were being constantly rotated in the private sector because there was no real control over the fact, because simply these people were being removed from the books.

1205 Can I remind the Member once again that, in December, not only were there *x* numbers of people in the VTS, there was a waiting list of 70 who were not deemed to be either employed or unemployed or training or getting paid. I suppose he thinks that is a better system than the one we have got today, but I can assure you that people in the system would not agree with him.

1210 **Hon. D A Feetham:** Yes, Mr Speaker, the difference between this side of the House and that side of the House is that you were the ones who guaranteed everybody a job at the end of their training. Hence why you are now left with the situation where you are having to park all these people in the public sector. (**Hon. J J Bossano:** No!)

1215 Mr Speaker, may I ask the Hon. the Minister for Culture, to whom the original Question was directed... I know that I asked this question to the Hon. Minister for Employment at the last session, but he gave me his own personal view. He did not give me a *Government* view. Can I ask the Hon. Minister for Culture whether it is the Government's intention to dumb down entrance into the public service, and in particular into the hon. Member's Department?

1220 **Hon. J J Bossano:** Mr Speaker, the hon. Member made a statement before he went on to question my colleague and, therefore, with your indulgence, I will answer what he made, which is completely false.

1225 The reality is that there is not an issue here of having to put people in places because of promises we made; it is because we inherited from *his* administration, the administration of which he is now so proud, a *huge* number of people who were in non-jobs in order to keep down the unemployment figures. Perhaps he would have preferred us to put them on the scrap heap, which presumably is what would have happened on 9th December if there had not been a change of Government.

1230 I can assure the hon. Member that those who are involved are clear in their own minds that the system that we are operating now is an improvement on the one we inherited, and every time he puts a question here he convinces me more that he wants to see it failing. He is due to be disappointed.

**Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister for Culture now answer my question?

1235 **Hon. S E Linares:** My answer is the same as the Minister has just answered.

**Hon. D A Feetham:** With respect, you have not answered the question.

The question is this, and I will repeat it: is it the Government's policy to dumb down entrance into the public service, and in particular the Minister's Department.

1240 **Hon. S E Linares:** That question has already been answered.

**Hon. J J Bossano:** Mr Speaker, I do not know what the hon. Member means by 'dumping down' –



**Hon. D A Feetham:** *Dumbing* down.

1245 **Hon. J J Bossano:** – but the position in respect of vacancies in the public sector is that vacancies in the public sector are advertised and the requirements for the jobs are no different from what they have been in the past.

1250 The fact that we are giving people the opportunity, who are unemployed, to be trained in order to be better equipped to get jobs is what the Employment Service exists for and what the taxpayer is paying for the Employment Service to do, and the end result will be, when the time comes, that we see the decline in the numbers of unemployed and the increase in the number of Gibraltarians in employment. I would have expected him to be looking forward to a situation where we have got more Gibraltarians working than we have had in the past. I cannot imagine why anybody in this House should not want to see that result.

1255 **Hon. D A Feetham:** This is turning into quite a curious *ménage à trois*. I ask questions to the Hon. the Minister for Culture and it is answered by the Hon. the Minister for Employment.

1260 **Hon. J J Bossano:** I will tell him why: (*Interjection by Hon. D A Feetham*) the Minister for Culture is not responsible for employment – I am.

**Hon. D A Feetham:** Can I ask a question?

1265 Maybe he can answer this. Does he agree with Mr Bossano's personal view that he expressed to me – because it was a personal view that he expressed – that if you are good enough you should be allowed into the public service regardless of the entrance requirement into the public service? Does he agree with that?

**Hon. S E Linares:** The question has already been answered, Mr Speaker.

**Mr Speaker:** The Hon. Edwin Reyes.

1270 **Hon. E J Reyes:** Mr Speaker, sir, can I take you back a little while?

I am grateful to the Minister for Employment, who explained to me that any extra hours worked was not going to be paid for. Therefore, can the Minister for Culture now answer me: is his Agency paying these trainees for extra hours worked?

1275 **Hon. S E Linares:** Mr Speaker, I do not know exactly whether this is happening, but because they are not employees of the Agency I am sure they are not; but I will check on that and I can give him an answer if he gives notice of this question.

1280 **Hon. E J Reyes:** I have not quite understood the answer, Mr Speaker – because they are employees, or they are not employees of the Agency?

1285 **Hon. S E Linares:** They are employees of the Employment and Training Ltd from the ETB, employees from them. I do not pay them. The Culture and Heritage Agency do not pay these trainees. They come from the ETB and, therefore, because they come from the ETB, the overtime and all that is not paid by me.

**Hon. E J Reyes:** Mr Speaker, is that answer not contradictory to what the Minister for Employment has just said?

1290 **Hon. D J Bossino:** Yes, it does.

**Hon. E J Reyes:** Could the Minister for Employment please enlighten me further?

**Hon. S E Linares:** Mr Speaker, just a correction: it is not the ETB; it is the ETCL that pays them.

1295 **Hon. J J Bossano:** Mr Speaker, the Employment Training Company employs people for 39 hours and places them with employers in the public or the private sector. Whether in one or the other, if the placement, if the place where they are working requires them to do above the 39 hours, then it is the training provider that

has to pay those hours.

1300 I do not know whether anybody in Culture is being paid extra or anybody anywhere else, but in terms of the application of the Employment Act, it would be in breach of that Act to expect people to work more than 39 hours for nothing. So, clearly, if anybody is working more than 39 hours, we do not know where they are, but if they are, they do not have to come back to the Employment Training Company to clear everything with us. If somebody wants somebody to stay *beyond* his 39 hours, they have to be paid, clearly, by the recipient, not by us.

1305

**Hon. E J Reyes:** Fine, Mr Speaker, I have understood that.

Therefore, given that answer and coming back to my original question, I was asking for explanations of the arrangements and terms and conditions, therefore are these trainees assigned to the Culture and Heritage Agency, whose very nature of work requires them to work many hours outside normal office hours and so on... My question was: are these trainees then being paid extra, like those who are in the permanent and pensionable establishment of the Agency, in receipt of overtime and so on?

1310

Can the Hon. Minister with responsibility for the Agency please explain that now?

**Hon. S E Linares:** Mr Speaker, I need notice of the question because I do not know exactly the rate they are being paid or whatever. I need notice of that question.

1315

**Hon. E J Reyes:** Mr Speaker, the notice was given. I asked for explanation of the arrangements, terms and conditions.

Are arrangements in place so that these individuals receive overtime payments? I have given notice of the question, Mr Speaker.

1320

**Hon. G H Licudi:** Mr Speaker, the hon. Member gave notice of a particular question, which was answered both by the Minister for Culture and then the matter was expanded by the Minister for Employment.

Now the hon. Member is asking for a very specific issue relating to overtime. What the hon. Member has said is that he does not *currently* have that information with him and if the hon. Member wants to give notice of that question then that question will be answered, but it certainly was not considered in the ambit of the original question. Whether that is right or not, the fact is that the hon. Member does not currently have that information before him and therefore he will need notice.

1325

**Hon. E J Reyes:** No, Mr Speaker, sir, specific is if I had, without due notice, asked him now to give me a breakdown of how much payment was made last month in overtime. I have not asked that. What I gave due notice of was for details of the arrangements, terms and conditions.

1330

Can the Hon. Minister for Culture confirm to me the arrangement is that when these individuals work outside normal hours, for example public holidays, remuneration will be paid? If I then want to know the exact details, then I will give notice for the next session, but at least confirm to me that there are provisions within his Agency to pay these individuals.

1335

**Hon. G H Licudi:** Mr Speaker, details of the arrangements, terms and conditions were given, and details of the employment relationship have been given. Now the hon. Member is condescending to very specific details about overtime.

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We have already said that the hon. Member does not currently have that information. There is nothing we can do. The hon. Member can ask the same question 20 times: we do not have that information, but we will give it whenever the notice is given. What the Hon. the Minister for Employment has clarified is that the responsibility of the company is to pay what the Government has already said the company will pay, which is minimum wage for trainees for 39 hours. If a specific arrangement with the placing entity is different, then that will have to be taken into account by the placing agency and not the company. We do not have the specific information about *overtime* in respect of these individuals.

1345

**Mr Speaker:** I think, before anyone else rises, there is a danger we are running round in circles.

The original question asked about the terms and conditions and the original answer says the terms and conditions are as per the Gibraltar Training Scheme. That was further explained by the Hon. Minister for Training, so I think, in general terms, we have got the answer.

1350

1355 The specific question about overtime being paid by the Ministry of Culture for the trainees in his particular jurisdiction, and his answer that he does not have the specific information about overtime being paid, so, in general terms, it has been explained by the Minister for Training that overtime must be paid by the placement area, and the Minister has said he has not got specific information.

I think that is as far as we have got. Rather than going round in circles, the next supplementary must be addressed to –

1360 **Hon. D A Feetham:** The answer suggested that... Just so that we understand, the answer is that the other side do not know whether, in principle, trainees are paid overtime, if they do –

1365 **Mr Speaker:** No, no, (*Interjections*) that is not my understanding of the answer. My understanding was they *should* be paid under the Employment Act. That is the answer.

When the Hon. Mr Reyes asked the Minister specifically whether trainees in his Department are being paid, he says he needs notice of that question. So I did not understand the answer as they do not know; the answer is they do know, under the Employment Act they should be paid. That is what I understood.

1370 **Hon. E J Reyes:** Yes, I am grateful, Mr Speaker, and I accept that, but I am a bit confused in something the Minister for Culture said before. In keeping with what the Minister for Employment said, can he then confirm that arrangements are in place so that if these trainees are required to work extra hours, then the agency will actually cater the payments for them?

1375 **Hon. S E Linares:** That is the law! It has been stated.  
I have not got the information with all the arrangements and the overtime and all that, so, yes, if they... that is the arrangement, it has to be. It is in law. It has been said.

1380 **Gibraltar Sports and Leisure Authority  
Details of trainees**

**Clerk:** Question 496, the Hon. E J Reyes.

1385 **Hon. E J Reyes:** Can the Minister for Sport and Leisure provide details of trainees presently assigned to the Gibraltar Sports and Leisure Authority, explaining the arrangements/terms and conditions under which training is taking place?

1390 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, one trainee is in place since 1st May 2012. This person is being trained to carry out as many duties as possible as a sports and leisure officer. The terms and conditions are as per the Gibraltar Training Scheme.

1395 **Hon. E J Reyes:** Thank you, Mr Speaker.  
When he gave me the Culture and Heritage one, he actually specified there were five Grade 1s and four Grade 2s. Under what grade would this one be?

1400 **Hon. S E Linares:** It is a sports and leisure officer, within the Sports and Leisure –

**Hon. E J Reyes:** Yes, but there are grades within –

1405 **Hon. S E Linares:** No, this person is different, because the answer said the person is being trained to carry out as many of the duties as possible. So he or she is doing as many things, so there are different grades, she – it is a ‘she’ actually – is training in all aspects.

**Hon. E J Reyes:** Yes, Mr Speaker, but I have had... from previous schedules of written questions that I

1410 have had before, there are many different grades within the Sports and Leisure Authority, so is this person, for example, also being trained for Grade 1, who happens to be the Chief Executive, or is it being limited more to say the Grade 9 or Grade 11?

**Hon. S E Linares:** Mr Speaker, the answer is still the same.

1415 That person is attached to the Sports and Leisure Authority as an officer, and that person is learning – is on training – to do different things within the Sports and Leisure Authority. I cannot tell him whether she is at one point attached to a Grade 11 or attached the next day to a Grade 10 or a Grade 9. She will do what the managers ask her to be training on. One day she might be with a Grade 11, learning something and then a Grade 10 or a Grade 9. That is the answer to the question, Mr Speaker.

1420 It is not a question of her doing one specific job with a Grade 11 or... It is more holistic, what she is doing.

**Hon. E J Reyes:** That may be the answer, Mr Speaker, but certainly not consistent with the other one, where in one agency, they are attached to learn particular grades and here it seems that the trainee is being trained to become the next Chief Executive Officer!

1425 **Hon. S E Linares:** Mr Speaker, when you go into an office or a place of work, you can do different types of work at different grades. I am sure she is not sitting beside a CEO to learn how to run, as he is now implying, the Sports and Leisure Authority tomorrow. What she is doing is general office work and general work in the Sports and Leisure Authority.

1430 **Hon. E J Reyes:** And I take it, Mr Speaker, does the hon. Member have some information, or will he require further notice in respect of...? Because you see the sports and leisure officers, in their conditions of employment, have conditioned overtime and so on. Is this individual, this lady, also subjected to that; or would he require further notice?

1435 **Hon. S E Linares:** Exactly the same as I answered before.

**Hon. E J Reyes:** What, Mr Speaker, for my clarity?

1440 **Hon. S E Linares:** Mr Speaker, look at answers – go back to answers and look at what was done, but I am not going to go through the whole debate again.

**Hon. E J Reyes:** I will look at *Hansard* – but a rather ungentlemanly reply, Mr Speaker.

1445

**Children's play parks  
Cleaning, upkeep and maintenance**

1450 **Clerk:** Question 497, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure provide details, inclusive of recurring costs, of the arrangements currently in place for the cleaning, upkeep and maintenance of children's play parks?

1455 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, the playgrounds and the ball-playing areas are cleaned and generally maintained through Government's (Ministry for the Environment) generic cleaning services' contract with Master Service Ltd.

1460 Currently a three-man crew, seconded from the Gibraltar Community Projects Ltd assist the Gibraltar Sports and Leisure Authority, in providing for minor repairs which cannot be carried out by Master Service Ltd. These services are not being paid through the Gibraltar Sports and Leisure Authority. The cost of spares,

tools, etc is, on average, £1,000 per month.

1465

**Gibraltar Rugby Football Union  
Provision of facilities**

1470

**Clerk:** Question 498, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of the facilities the Government/GSLA is planning to provide the Gibraltar Rugby Football Union in order to further develop the sport locally and ensure they meet requirements in respect of their pending application for membership of the International Governing Body for the sport?

1475

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

1480

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Government will be providing the Gibraltar Rugby Football Union with facilities which will enable them to have international tournaments locally, and further provide them with the training and development facilities which they require to develop the sport much better than they have had to date.

1485

**Hon. E J Reyes:** Yes, Mr Speaker, but my question was, can he provide details? He said they would provide, but there is no detail there in anything.

**Hon. S E Linares:** Mr Speaker, it says, 'to have international tournaments'. That means that we are providing the facilities, so the detail is that we are providing the facilities. There is no more detail than that.

1490

**Hon. E J Reyes:** There are no more details than that because he has no plans or because he does not wish to disclose them?

**Hon. S E Linares:** No, Mr Speaker, because we have very, very exciting plans.

1495

**A Member:** So what are they?

**Hon E J Reyes:** So, therefore, he does not wish to disclose them, Mr Speaker.

1500

**Hon. S E Linares:** No, Mr Speaker, because we have not decided on the plans yet. They are exciting because we have got about six or eight different ones and we do not know which one to decide yet.

**Clerk:** Question –

1505

**Mr Speaker:** No, the Hon. Damon Bossino.

**Hon. D J Bossino:** Can the hon. Member indicate to this House when the decision will finally come?

**Hon. S E Linares:** Very soon.

1510

**ENTERPRISE, TRAINING AND EMPLOYMENT**

1515

**Married women's social insurance  
Paying difference between reduced and full contributions**

**Clerk:** Question 499, the Hon. J J Netto.

1520 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security say how many married women have registered an interest in the Department of Social Security for the purpose of seeking an assessment of the cost of paying the difference between the reduced married women social insurance contribution and the full social insurance contribution and, if so, could the total number of enquiries be broken down between those who are still working and those who are now retired?

1525 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as at 12th June 2012, 134 married women have registered an interest at the Department of Social Security for the purpose of seeking an assessment of the cost of paying the difference between the reduced married women social insurance contributions and the full social insurance contributions.

1530 Out of the 134, 81 continue in employment, and the remaining 53 are either retired or not working.

1535 **Statutory Benefits Fund**  
**Employers' insolvency payments made since Question 365/12**

**Clerk:** Question 500, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund, in respect of employers' insolvency, since this question was last asked, in Question No. 365/2012 showing the amount paid due to redundancy pay obligations, the amount paid in respect of other sums payable to employees, and the number of companies involved?

1545 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, since the question was last answered, the total amount paid in respect of redundancy pay was £11,271.47. Only one employer is involved.

1550 In respect of annual leave, it was £92.02; in respect of notice of terminations, £2,990.40; in respect of arrears of wages, £322.07.

1555 **Statutory Benefits Fund**  
**Employers' insolvency payments made, January-May 2012**

**Clerk:** Question 501, the Hon. J J Netto.

1560 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund, in respect of employers' insolvency, from January 2012 to the end of May 2012, broken down monthly, and showing the amounts paid due to redundancy pay obligations, the amounts paid in respect of other sums payable to employees, and the number and names of companies and numbers of employees involved?

1565 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the payments made are as follows: in January, none; in February, there was a payment in respect of a company called Straits Installations, which involved four beneficiaries. This was made up of a total, in respect of the four redundancies, of £3,948.96 and payment in lieu of notice of £1,586.88, making a total of £5,535.84.

1570 In March, the numbers of companies was five. Overseas Motors Ltd involved 16 redundancies. The cost of the 16 redundancies was £147,527.20. In respect of annual leave, the payment was £1,596.49. In lieu of

notice, payment came to £42,214.24. The total cost of the Overseas Motors payment was £191,337.93.

1575 There was a payment in respect of three employees of Zenith Promotions, in respect of redundancy, which came to £9,322.40. There were no other payments for Zenith Promotions.

In respect of Transport Services, there was a settlement of an award by the Industrial Tribunal which the company did not meet and which was claimed from the insolvency fund, which came to £46,004.80.

1580 In the case of Right Start Nursery, there was one employee that was paid £658.64 for redundancy, £589.77 in lieu of notice; £217.76 in lieu of wages. The total payment to that employee came to £1,466.17.

The fifth company was Pussers, with two employees. The redundancy came to £1,872.00, in lieu-of-notice payment came to £721.50, making a total of £2,593.50.

In April, there were no payments.

1585 In May, there was a payment to one company, Gibraltar Secretarial Services Ltd, which amounted to £11,271.47 for redundancy, £92.02 for annual leave, £2,990.40 in lieu-of-notice payment, £322.07 for arrears of wages, making a total payment to that one employee of £14,675.96.

The total payment from January to May, therefore, comes to a total sum of £270,936.60.

1590 **Hon. J J Netto:** Mr Speaker, given the amount of information contained in the answer that the Hon. Minister has just provided, I wonder whether it would have been better if he had just given in the schedule. It would have saved him the five minutes in giving the detailed amount of pounds and pennies and perhaps it would have been even better for myself, as used to be in the past, to be able to see it all at a glance than try to profusely write as much detail as possible.

So can I ask the hon. Member if he can ask the paper usher to photocopy his answer so I can have it all in one glance?

1595 **Hon. J J Bossano:** Mr Speaker, as the hon. Member should know, and as you know and can corroborate, I am a very law-abiding Member of this House, and since the question is put down for *oral* answer, I have given him an oral answer. If he wants it in writing and if he puts it down for written answer, he will get it in writing.

1600 **Hon. J J Netto:** Mr Speaker, all I am trying to say is will he afford us the same treatment as we used to afford them when in the situation that we were in Government. That kind of information, as he is well aware, was provided to him when he was asking – well, he was not asking; it was the Hon. Minister, Mr Bruzon, who was asking – in a schedule form.

1605 That is what I am trying to say: could we have equal treatment in terms of passing the information?

**Hon. J J Bossano:** No, Mr Speaker, it is not a question of equal treatment.

1610 The fact that the hon. Members, when they were in Government, chose to say, 'I will answer Question 1 to Question 200 and I will now hand over a schedule,' which meant that nobody else in this Chamber had a clue what was going on, because nothing else was said, and that went on all the time, does not mean that I agree with that system.

Therefore, as far as I am concerned, if the hon. Member is putting down a question for Oral Answer, then I think the correct way to deal with the oral answer to the question is to provide the information orally, not simply to say, 'The answer to the question is that I now hand him a schedule.'

1615 **Hon. D A Feetham:** I do not think anybody disputes that. The question has been put for oral answer; therefore, you answer it orally.

What my hon. friend is asking is, because it has been a very long answer, could he please have a copy of the answer that is in front of you. That is all he is asking.

1620 **Hon. J J Bossano:** No, no –

**Hon. D A Feetham:** He indeed said could you, in future, hand over schedules...

I accept that. That is a matter for him as to whether he hands over schedules or he does not.

1625 In relation to this particular answer – which is a very long answer – what he is asking is, 'Could I please have a copy of that, and could you ask the paper usher to photocopy it for me?' That is all. If the hon. Gentleman refuses, he refuses.

1630 **Hon. J J Bossano:** Mr Speaker, maybe the hon. Member heard what the Member said better than I did, because he is sitting next to him but, certainly, what I understood the Member to be saying is that I should follow the practice of the previous Government in saying, 'I will answer this question by handing over a schedule.' That is what I understood him to be suggesting that I should be doing. There is no problem with him, in fact, having *my* copy of the answer, and therefore he does not even have to wait for a photocopy.

1635 **Mr Speaker:** I think there was an invitation by the hon. Member to provide such answers in the future in the form of a schedule, but it is perfectly in the discretion of the Minister how he chooses to answer, whether in terms of a schedule or to provide a full answer as he has, and he has.

While the hon. Member is digesting the information, without wishing to make any ruling on this matter, *Erskine May*, 22nd edition, at page 305 – and this is not a ruling from me –

1640 'The Speaker suggested that lengthy answers should be circulated with the Official Report, instead of being given orally.'  
– for what it is worth, but that Official Report will obviously come much later when *Hansard* is printed.

1645 **Employment and Training Company Ltd  
Contracts signed**

**Clerk:** Question 502, the Hon. D A Feetham.

1650 **Hon. D A Feetham:** Can the Minister for Employment please state how many companies have signed contracts with the Employment and Training Company Ltd since this question was last asked?

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

1655 **Hon. J J Bossano:** Sixty-two, Mr Speaker.

**Hon. D A Feetham:** Is that 62 in respect of 62 trainees, or 62 in respect of more than 62 trainees?

1660 **Hon. J J Bossano:** Mr Speaker, the answer that has been prepared for me is the answer to the question that he has asked, which is how many contracts have been signed. They do not tell me whether each of the 62 has got more than one.

I would suspect that the bulk of them would be one, because that is the normal pattern, but there may be the odd one in the 62 that has taken on more than one.

1665 **Employment and Training Company Ltd  
Companies and trainees**

1670 **Clerk:** Question 503, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please provide a breakdown of the activity of each company which has signed a contract with the Employment and Training Company Ltd, indicating the number of trainees placed with each company?

1675 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Hon. D A Feetham:** I hope I get an answer.

1680 **Hon. J J Bossano:** Exactly!  
The breakdown is as follows, Mr Speaker: electrical supply, one company and one trainee; in the



1685 construction sector, there are four companies with one trainee each, two companies with two trainees each and two companies with three trainees each; in the wholesale trade, there is one company with one trainee and one company with two trainees; in the retail trade, there are 14 companies with one trainee and four companies with two trainees; in the hotel trade, there is one company with one trainee; in repairs of consumer goods, there are six companies with one trainee each; in sea transport and related services, there are four companies with one trainee each; in road transport and related services, there is one company and one trainee; in post and communications, there is one company with two trainees and one company with three trainees; in banking, finance and insurance, there are 20 companies with one trainee each, three companies with two trainees and one company with three trainees; in police and fire services, there are two companies and one trainee; in education, there are three companies with one trainee, one company with two trainees and one company with four trainees; in medical and health services, there is one company with two trainees and one company with three trainees; in other services, there are 14 companies with one trainee and one company with two trainees.

I will now ask somebody to make a photocopy.

1695 **Hon. D A Feetham:** Is the hon. Gentleman surprised that, in the construction sector, for example, there are only eight companies, in respect of six trainees, that have, in fact, taken... Well, it cannot be six trainees, it must be... Sorry, it is four... nine trainees. Is he surprised by the apparent low levels of numbers in the construction sector, bearing in mind that there are other sectors that have taken on more trainees?

1700 **Hon. J J Bossano:** This does not include, of course, the people who are in training in the Construction Training Centre. These are mainly people who are, if you like –

**Hon. D A Feetham:** On the job?

1705 **Hon. J J Bossano:** – on the job, in the sense that, in many cases, what we are trying to do is get construction workers who have been doing unskilled or semi-skilled work and give them an opportunity to upgrade their skills. Therefore we do that by providing an employer with an incentive.

1710 There used to be a system in the old days where there was a craftsman A and a craftsman B and the craftsman B was an adult who did not go through the official three-year apprenticeship schemes. The fact that that no longer exists means that there are people who may have been all their lives in the construction industry and actually cannot move into better paid jobs, simply because they have not got paper qualifications.

1715 This is something that we are now looking at to see if it can be addressed, but there are a number of local firms that have agreed to take on existing construction workers who were unemployed in an area where they are giving them the opportunity to move up, say from being a skilled labourer to being a bricklayer or a mason, and that is really where this group falls into.

In addition to this, of course, the construction industry is being encouraged all the time to take on unemployed construction workers who do not need to go through the training scheme because they are already trained.

1720 **Hon. D A Feetham:** Is he finding that, in relation to the construction sector, there is an uptake in relation to... We have seen there is a small number of trainees here, but in relation to the unemployed, for example?

1725 I can tell you the purpose of... the motive or the rationale behind my question. I am very concerned about the construction sector in Gibraltar. I think that... and I do not want this exchange to be controversial. In no way, shape or form, but I have been critical of how the Government just simply put a stop to all the projects, rather than phasing them out, and I think that the industry is going through a tough period of time at the present moment. What I am asking, really, is: is he finding that there is a lack of uptake from the construction sector of unemployed people? Perhaps not as many as he would have thought there would have been?

1730 **Hon. J J Bossano:** I think if I can first correct the incorrect impression that he has, Mr Speaker, the reality of it is that, although the construction sector is, in fact, saying that they are not getting enough work to keep their workforce, it is in the context that, of course, in 2007-08 the Government was spending £40 million and in 2011 it was spending £200 million, and that it is not possible to keep on spending £200 million a year on Government construction works.

1735 So I can tell him that the growth that has happened in the construction industry has been fed by importing workers. That is to say, in October of last year, the figure was something of the order of 3,500 people in the

construction industry, compared to 1,500 in 1996. So the truth of the matter is that, although there are less people working in the construction industry now than there were a few months ago, there are more Gibraltar residents in the construction industry now than there were a few months ago, and I assume that that is something that will be as welcome to him as it is to me.

1740

**Hon. D A Feetham:** It is certainly welcome that more Gibraltarians are employed in Gibraltar. We all welcome that on both sides of the House, but if construction companies go under, then neither Gibraltarians nor foreigners are going to be employed in those jobs because we are going to lose those jobs permanently.

1745

Is he at all concerned about the state of the construction industry? That is the question. Let me also add this, that yes, it is certainly true that you cannot keep up Government expenditure at the levels that we had because of the amount of projects that we had – the airport, the law courts, the prison, the number of projects that obviously contributed to the figures that the hon. Gentleman has outlined. The point that I was making is that there are other ways of, instead of switching the tap off completely and abruptly, which caused huge redundancies at the beginning of the year in the sector and has placed construction companies in difficulty – and let's not forget that there is a seep-down effect on other sectors of the economy that depend on the construction sector. The people who come to me are saying that that is causing huge hardship, and I was wondering whether, in fact, that had seeped through into the type of recruitment and figures for recruitment that the hon. Gentleman is seeing in his Department.

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1755

**Hon. J J Bossano:** First of all, Mr Speaker, I do not agree with the analysis with which he prefaces his remarks. As I have already told him if, two years ago, the construction industry was smaller than it is today, then two years ago, when the previous administration was in Government, they were in a worse state than they are today. That is to say, although the level of employment has shrunk since last December, it is still well above what it was two years ago, both in terms of employment and in terms of the amount of Government work being paid out. That is to say, if we take the amount that was paid to the construction company doing Government work in 2007-08 and 2008-09, the figures in those two years, which is immediately after the preceding Election, were lower than they are today.

1760

There has been, historically, in the last 15 years, a building cycle, where there is a building boom just before Elections and a building decline just after Elections. What is happening this year is that, although it is smaller than it was before the Election, it is still higher than after the 2011 Election. So if they were all going bust now, they would have gone bust then.

1765

What is happening is, of course, that people build up and naturally they have a problem in that, having built up, they are having to adjust to the situation. I can tell the hon. Member that I have met with the industry and I have told them, 'Look, the level of work that is going to be available is going to be less,' and consequently, in reality, the industry has got two options open to it: either the number of players in the industry stays, but they are smaller and they share the work; or some will not stay and the work will go to the remaining ones.

1770

But that is no different from what has happened in the past, and I can assure him that there are currently – because I monitor this regularly – more people employed overall in the industry than there were up to 2008-09 and that there are now more residents of Gibraltar, including Gibraltarians, in the industry because the industry is co-operating with the Government, but they are not reflected in these figures because this is limited only to people that we are actually providing, paid for under the employment training schemes. The people that the industry has taken on, and paying them the CATA rates, are not reflected in the figures that he has asked for, because he has asked for the people who have been taken on as trainees specifically.

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1780

**Hon. J J Netto:** Mr Speaker, could I ask a supplementary question, bearing in mind that I was two minutes away from the Chamber and when I got back I saw this paper on the question of Question 503. I suppose that we are still discussing this one?

1785

**Mr Speaker:** Yes.

**Hon. J J Netto:** If the hon. Member looks at the first column, there towards the end, he has got 'Medical and Health Services' as an industry group. Does he mean by that the GHA on its own, or the GHA and the Care Agency?

1790

**Hon. J J Bossano:** Neither, because the question is about companies and it is limited to the question.

1795 **Hon. D A Feetham:** So really the answer to *my* question is that any difficulties that the construction sector is encountering is cyclical and the hon. Gentleman is not really concerned about the sector in terms of any difficulties that are out of sync or any abnormal difficulties that one would not expect in a cyclical situation? That is the answer, isn't it?

1800 **Hon. J J Bossano:** Yes, the answer to that is that the level of work at the moment in the industry and the level of employment at the level in the industry is no different from what it was. If anything, it is higher than the level at which it was after the 2007 Election.

1805 There is a tendency for a lot of the projects to get bunched towards the end of a term of Government – and that has happened before – and then, even when the new Government is returned, it goes down, and that has happened before. So even when the Government that comes in after an Election is the Government that was there before, there is less work provided immediately after the Election, I suppose because people have got time to be complaining for two or three years and then they get work in the final year.

I imagine that that is the explanation of the building cycle in Gibraltar, because it happens that we have a four-year term and there is a four-year building cycle. Presumably, if we had a five-year term, there would be a five-year building cycle.

1810 But the answer to his question is that it is not a question of being concerned or being unconcerned. What is happening is what has happened after every Election in the last 15 years, that the amount of work in the industry is, in fact, less *after* the Election than before the Election.

On *this* occasion, at present, the level of work is, in fact, higher than it was after the 2007 Election. The numbers employed are greater and therefore I cannot evaluate the situation as one where the industry is 'going down the tubes' because then it would have 'gone down the tubes' in 2007 and it would not be there today.

1815 What is positive in the situation is that, in fact, we have been able, because a lot of the companies have signed agreements with us, to persuade them of the necessity to build up a *resident* workforce for the industry, particularly because there is inevitably going to be a volume of increasing work in the maintenance of buildings, the more buildings that there are. So one thing is that you need to bring in people to do a specific contract on a new site, and they come in and they go; and the other thing is to have the capability in Gibraltar to maintain buildings without having to rely on imported labour. That is something we want to achieve and therefore I hope that I will be able to inform the House at some stage that we have been successful.

**Hon. J J Netto:** Mr Speaker, can I ask a further supplementary question?

1825 I take on board the comment that the Hon. Minister for Employment said that we are talking about companies – companies which have signed a contract with the Employment and Training Company Ltd – but, of course... and perhaps this is an unreasonable question on my part because he would need notice of the question, and I appreciate that, but just in the same way that we are dealing with private companies here, there are also trainees who are being seconded, or placed rather, within various Government Departments, Authorities and Agencies, which probably would have signed contracts with the Employment and Training Company itself, just in the same manner as we have these.

1830 Therefore, could I perhaps, if I write, because I do not expect the Minister to have the information with him there, but if I were to write to the Hon. Minister in relation to trying to mirror image the information provided here but, instead of being in private sector companies, can he instead provide information with Government Departments, Authorities and Agencies? Will he be able to provide me with that information?

1835 **Hon. J J Bossano:** The difference is, of course that, in the case of the Government Departments, the information would only be true on the day that I provide it. That is to say, for example, the four construction companies that have got one guy each have got a contract with us saying the person they are training will get a job at the end of the training. The people we have got in different Government Departments are not there for 11 months; they are being moved around.

1840 So if you ask me today to give you a distribution, what I am saying is that that will be true of the day that the hon. Member gets the information, whereas this is true, as it were, until the training is finished. That is the difference between the two.

1845 **Hon. J J Netto:** I accept that, Mr Speaker.

**Employment and Training Company Ltd  
Details of trainees**

1850 **Clerk:** Question 504, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state, on a month-by-month basis, details of how many people have been employed by the Employment and Training Company Ltd since 1st February 2012, identifying what training scheme they were on or whether they were unemployed before being employed by that Company?

1855

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

1860 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, in the month of February when the Scheme started, 331 were employed from the vocational training schemes that were in existence. Obviously, since those came to an end in January. In March, April and May there were no new entrants from that source.

In February, 69 unemployed persons came into the Company; in March, 54; in April, 53; and in May, 76.

**Hon. D A Feetham:** Can the hon. Member repeat those last figures again?

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**Hon. J J Bossano:** Seventy-six unemployed persons were taken on in May.

**Hon. D A Feetham:** Yes. February, 69. March?

1870 **Hon. J J Bossano:** In February, we had 69; in March, 54; in April, 53; and in May, 76. The only two sources are either people who are unemployed or people who were in the Scheme, but the ones who were in the Scheme all came in at the beginning in the first month.

**Hon. D A Feetham:** So, on 1st February it is 331, and they are accounted from the VTS Scheme –

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**Hon. J J Bossano:** That is right.

**Hon. D A Feetham:** The on-the-job training, effectively.

1880 **Hon. J J Bossano:** Well, no – everybody who was on the VTS Scheme means including, for example, the people in Gibdock and the people in the Construction Training Centre. All those people were paid as VTS. They are all VTS.

1885 **Hon. D A Feetham:** Does the hon. Member have the figure of how many trainees there are now, as at today's date, or at the beginning of the month, whatever relevant sort of date mark he may have there?

**Hon. J J Bossano:** I do not have a figure, but I would have expected that, in fact, the figure is very likely to be very close to the total of these figures, because, as far as I am aware, in the short time that this has been happening, we have not had people who have concluded their training and entered into full-time employment.

1890 There may be people who have not lasted the course, so the figure that is currently under the Employment and Training Company may not be as high as this because, in some cases, some people have abandoned the Scheme – not many, but some have. I do not think that any people have stopped being in the Employment and Training Company because they have now been taken over by their training provider. Of course, as I mentioned, I think, earlier, out of the 331 who came in in February, we still have 88 in the private sector, where the private sector is effectively telling me to take them away, but I have got nowhere yet to put them.

1895 So that is the position.

**Hon. D A Feetham:** At the time of the General Election, the figure that the hon. Member was quoting – and I think that it accorded with my figures at the time – was around 450 people in what he has described as the VTS, but it is VTS *plus* the Construction Training Centre and Gibdock.

1900 What has happened, between the General Election to 1st February, to those 450 people, because you have taken on 331? Is it that those people have actually found employment? What accounts for the lower level of recruitment into the Future Jobs Strategy?

1905 **Hon. J J Bossano:** I think, in fact, some of those would be included in the 69 because, between December and February, the six-month period ended and they came back and registered as unemployed.

Therefore, the 331 were the ones who in February were still being paid the £400. We had people who had been paid the £400 at the time of the Election, but who completed the six-month cycle between the Election and February, and those people have been treated, for the purpose of the provision of this information, as being unemployed because that is what they were the day they were taken on.

1910

**Hon. D A Feetham:** Yes, because when I asked the same question – in February, I think it was – just before the start, or just after the start of the Scheme, the hon. Gentleman told me that the Scheme would not open for the unemployed until the summer and that it had only been started as of 1st February for those people who had been on the Scheme at the General Election. So my next supplementary would have been are those 69 effectively the people who were there in these training schemes at the date of the General Election?

1915

**Hon. J J Bossano:** I suspect that that is the position. That is to say they were the same people, but they were not getting paid at the time. That is to say the 331, Mr Speaker, were people who, at the end of January, were still getting paid under the Scheme, and therefore, on 1st February, continued where they were but simply were paid the new rate.

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In the 69, most of them, I imagine, were people who had ended the Scheme and therefore they were caught. Some people, because it was a six-month thing with no extension, we had situations where somebody, by a week... That is to say because they finished a week before, would not have been able to enter into the Scheme. What we did was, in fact, we took them in as unemployed, but technically they were unemployed at that point, but they had been in VTS maybe a fortnight before.

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**Hon. D A Feetham:** Yes, because if you add 331 and 69, it is 400. It is very close.

In relation to the figures – March, 54; April, 53; and May, 76 – are those people who also may have come from the VTS Scheme or are those that had been on the unemployment list prior to the General Election?

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**Hon. J J Bossano:** I think it is a mixture of the two, in the sense that those are people who had been in schemes perhaps earlier in the year, not people who had finished between December and January, but people who might have been in the Scheme, say in August or September, and were now no longer in the Scheme. Because the Scheme was not, in fact, continuing after February, it meant that those people then were required to register. Under the previous system, those who went to Bleak House did not appear in the register of unemployment so, in fact, the register of unemployment picked up a number of people who were previously not working but previously not registered.

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Where the figures of 54 and 53 and 76 come from is that the vacancies that have been opened in... The Department approaches a prospective employer to say, 'Well, look, we can offer you a trainee for this job because we have not got anybody trained with the specifications that you are setting out, and in order to encourage you to take the trainee, we will pay the minimum wage while the training takes place.' That has been offered to people who are... say in the 54, there would have been people who were unemployed but who might have been in the Scheme in the previous September or August. The numbers in the Scheme in those figures, of course, are now out of the system. I would say that, by the time we have got to the 76, they are all people on the unemployment list, period, but there would have been, as it were, returning VTSs in the two other figures.

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**Hon. D A Feetham:** Does the hon. Gentleman have a waiting list of people who are unemployed, wanting to go onto the Future Jobs Strategy, and what is the criteria for allowing those people to go on?

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**Hon. J J Bossano:** It is not a question of allowing them. This is why we think there has been a better success rate with this scheme than with the previous one, because in the previous one, from the information that I have got from the employers that have still got 88, is that they were not involved in selecting the person. The person was selected by the Department and placed in what they thought was a suitable environment to

1955

learn.

What we do now is we give the employer a choice and we send maybe... For example, we have got a pool of people who are either existing construction workers because their employment shows that they have been in construction, or young people who have been interviewed and said they are willing to go into the construction industry. We have got a dedicated officer, who is the Construction Employment Officer, who only deals with construction workers and with construction companies, and his job is to make available to every construction company that has vacancies the opportunity of taking on trainees from this pool of people, but the individuals are not *selected* by the Employment Officer, although they are, in fact, if you like, shortlisted in the sense that, since the Employment Officer we have got is somebody who used to be in the Construction Training Centre and has got a lot of experience of construction, he knows the individuals, then he is in a position to send people that are likely to be suitable candidates, rather than sending everybody who is on the list and then the employer says, 'I have asked you for a driver; you have sent me somebody who has been a waiter.'

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So, what we do now is we send construction workers or people interested in construction to construction companies. The person who is responsible for doing that picks the people he thinks the employer is likely to find suitable and then the employing company decides who they want to take, and that is how the figure is arrived at. If you match this one with the answer to the previous question, the answer would be, in the example that I am giving him that, if there are four guys in four construction companies, it would be a construction company that picked the person they wanted from the sample that we sent them. But the only selection that takes place is a selection based on identifying the skills' suitability to match the skills on the supply side with the demand side.

**Hon. D A Feetham:** I have not done the calculation, but can he tell me what is the total number of trainees who are actually employed by private companies? Does he have that at hand, the total number?

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**Hon. J J Bossano:** I am afraid they have not put the total number on.

I think I told him the last time, Mr Speaker, that when we had 29, there were 39 employees in 29 companies. So I think the figure that we have now, with the extra 62, is probably not all that much different. That is to say if we have got an extra 62, we may have a total of something like 80-odd employers and maybe 90 or 100 employees.

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That would be the order of those figures. They are not exact, because I have not been provided with them.

**Hon. D A Feetham:** I make it – I stand to be corrected by the hon. Gentleman – just over 40 employees employed in these private companies. If there are only just over 40 employees employed in these private companies and you have been recruiting effectively into the Jobs Strategy at a rate of 54 in March, 53 in April, and 76 in May, where are they going? Are they going into... For example, part of them are going into... Are they going into the public service, in Government-owned companies?

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**Hon. J J Bossano:** They are not, no.

Mr Speaker, the question has been dealt with by the Department on the basis of the way that it has been asked, and therefore the table is the table of companies, not necessarily private companies but certainly companies. In the total that we have, we have got people who are not placed with companies but may be placed with partnerships or placed with departments or placed with agencies or placed with somebody else. One is companies and one is not.

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**Hon. D A Feetham:** When I say trainees are placed with companies, the last person I would have thought would take a difference and a distinction between a company and a partnership is the hon. Gentleman opposite, who constantly argues and constantly says that we are stuck in this House with too many lawyers and too many legal arguments!

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**Hon. J J Bossano:** Well, maybe the Employment Service must be full of lawyers like him, then!

**Hon. D A Feetham:** It just strikes me that we have got about 42-44 trainees who are employed with companies, who have signed these contracts with Employment and Training Company Ltd, and that that is a small number in proportion to the number of people who appear to be going onto the Scheme – again, 54 in

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March, April, 53 and May, 76.

I do not know whether legal partnerships, for example, or accountancy partnerships, if there are any accountancy partnerships, have recruited anybody, but is the vast majority of these people being recruited into the public service or Government-owned companies?

2015

**Hon. J J Bossano:** Mr Speaker, I do not know what *[inaudible]* I mean. If the hon. Member says that there are 40 employees on this list –

**Hon. D A Feetham:** No, I said how many are there? A cursory glance at it seemed to be just over 40.

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**Mr Speaker:** I make it 117, if that is of use. You have got to multiply numbers by companies, so you get a larger number. I make it 117.

**Hon. D A Feetham:** So, shall we take 117, then?

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**Hon. J J Bossano:** This is why I said I thought it would be about 90 to 100, given the fact that there are 80 employers and the fact that when there were 29 employers there were 39 trainees.

So now if we have got 80 employers, I would expect that the figure would be of the order of 90 to 100. That is the answer that I gave the hon. Member. They have not given me the total, but that is the answer that I would expect.

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**Hon. D A Feetham:** Yes, I did not quite collate the... because one has the column of the number of companies on the left hand side.

Does he accept that a significant proportion of the people who are being recruited in March, April and May are effectively being recruited into the Future Jobs Strategy but being placed in the public sector? Is that the position?

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

The position is that if I have told him that there have been 62 employers, the 62 employers have taken on, in May, the bulk of the 76 employees, and if they have taken on more than one in May, then they account for almost all the 76. The hon. Member has to remember that, in the original figure, we are including, for example, 40 people who came in last year into the Construction Training Centre in one intake only. We are including the people who are in the nursing training. We are including the Elderly Care Agency. All those are part of the global figure, but if he actually looks at the number of private companies that signed a partnership agreement with the ETB and took on employees, there were 62 employers in May and 76 employees. The bulk of the 76 will be in those 62.

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**Hon. D A Feetham:** Yes, but can he confirm this, then: I understand that, in terms of the public service, some of them would have gone into nursing, some of them would have gone to the Care Agency, but there has been no recruitment into the Future Jobs Strategy for the purpose of those individuals being placed, for example, in the, say, Culture Department, just for on-the-job training. If they have been taken on into the public service, they have been taken into very specific training areas – for example, trainee nurses or in the Care Agency – but not for just simply on-the-job training, which was what I have always understood the VTS to have done. It has placed somebody with an employer to do on-the-job training but there is no formal training done for that individual, with the hope that person is then taken on at the end of it.

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Can he confirm that, in relation to that, there has been no recruitment in March, April or May, to do that?

**Hon. J J Bossano:** First of all, Mr Speaker, it is incorrect to say that it is *in the hope* that they will be taken on. That is to say, it is in the legal expectation that they will be taken on, because the 62 people in May signed an agreement that if they did not take them on they would pay the money back, so it is more than hope.

2060

Secondly, within the system of the recruitment from the labour pool and the VTS pool, there have been some cases where trainees have been placed in areas of the public sector in order to give them training in those areas. This is an ongoing process that will continue to be the case.

**Hon. D A Feetham:** Yes, I quite understand structured training. That I understand and the recruitment by

2065 using the Future Jobs Strategy into structured training schemes. But what I am talking about is on-the-job training, just simply placing somebody in the Culture Department – learn the ropes under somebody doing whatever they are doing in the Culture Department – are people still being recruited for that purpose?

2070 **Hon. J J Bossano:** Mr Speaker, they are still being recruited because they were being recruited before 9th December; that is to say, we had, throughout the Civil Service, VTS trainees on £400 per month. Those people are still in the system and the bulk of the people in the system are the ones that were there from the 331 that I have told him.

2075 Of the 331, there were people in dedicated training and people *not* in dedicated training, who were working in different areas as Vocational Training Scheme trainees. Those people are still in the Government, and that system has continued to operate, where a Department has said ‘well look, the trainees are now due to leave, can you send me somebody else?’

2080 The position has been that people have been offered either somebody from another place, preferably from the ones in the private sector, where we have been reducing, or from the pool of the unemployed. But they have been given a choice in the Departments, like they have been given a choice in the private sector – they pick who they want.

2085 **Hon. D A Feetham:** Yes, but you see, if you recruit somebody from the unemployment list with the idea of placing them in a private company, now there is a limited number of private companies that are going to sign these contracts, and, indeed, the number of employees, the number of trainees appertaining to these private companies in proportion to the whole, is actually lower than those that are placed in the public sector.

2090 But is it the Government’s policy to continue to recruit people from the unemployment list, then, for the purpose of actually placing them on on-the-job work experience, effectively, in Government Departments? And *how* does the hon. Member’s Department actually decide who to take from the unemployment list to place in those Government Departments? Because it seems to me, that if I were a trainee that is precisely the type of training opportunity, even though it involves no structured training, simply because once you are in system and once you in a Government Department and on-the-job training, it is going to be very difficult for the Government to get rid of me and I am probably going to end up in the system – as a Government employee.

2095 **Hon. J J Bossano:** Mr Speaker, I understand where the hon. Member is coming from because that is what he said during the Election campaign was going to happen, that would ruin Gibraltar and, having made those crystal ball predictions, he is trying to do everything in his power to be able to say ‘I told you so before the Elections’.

2100 I know what he is up to – but the answer is he is wrong. He is wrong like he was wrong in counting the list because he cannot say the bulk of them are in the public sector, having just acknowledged that there are over a hundred in the private sector and that if you take the structured employment that was already there, and the fact that we inherited 331, the reality of it is that the new entrants from the labour pool is minimal. If there are a total of 400 I doubt if there as many as 40 that have come in through that – so it is not true that the 5,000 public sector jobs are going to be filled from the 40 people that have come from the pool of the unemployed.

2105 **Hon. D A Feetham:** You seem to know what the motive behind my question is but you are masterful in not answering the question.

2110 Now, the question was very simple – what is your Government Department’s criteria for taking somebody from the unemployment list and saying ‘you are the lucky guy, we are now going to be placing you in Mr Linares’s Department’. What is the criteria?

**Hon. J J Bossano:** The answer to that is something that I have already told him at least three times, Mr Speaker.

2115 I do not know how many times he can ask the same question to get the answer because he just rephrases the question and adds adjectives like ‘you are the lucky guy that I am picking’. Well, perhaps that is what was happening before 9th December, that there was somebody sitting in some Government office picking ‘lucky guys’, and in the run-up to the Election, promising them jobs after the Election!

What is happening now, as I have already explained to the hon. Member, is that, whether it is the public or the private, a pool of names is given and the recipient entity decides who they think is going to be the best guy



2120 to take, and they decide that. I have also told him that no more than 10% of the total, in the private and in the public, that is to say the people that he has mentioned in the Culture, were not people selected as suitable for learning in the Culture or in the Tourism by the people in the ETB. The only selection that is taking place in the TD at the moment – we will be able to do more in the future, because I want to go down that route – the only area where I have got the expertise in the Department to do pre-selection is in the construction industry.

2125 So in the construction industry it is the Construction Officer that used to be in the Training Centre, which is now in the Employment Service, and has got a lot of experience, that assesses the suitability of the potential candidates. In the other areas, when somebody says ‘have you got some trainees that you can place with me?’ we send them a selection of people and they pick who they want... And I have already told him that three times.

2130 **Hon. D A Feetham:** Who picks...

**Hon. J J Bossano:** The recipient. The entity that is asking.

2135 **Hon. D A Feetham:** Who within the recipient? Is it the Minister that picks them? Who is picking them?

**Hon. J J Bossano:** To my knowledge Ministers are not involved in interviewing applicants. I do not know whether that is a practice that was there that has now been discontinued.

2140 **Hon. D A Feetham:** Alright, so are you saying that... we are now getting somewhere. Are you saying that, effectively, there is an interview process in the Government Departments so you send them 20 people – they interview all those 20 people – and then they make a decision and that is done via a board. Is that what you are saying to me?

2145 **Hon. J J Bossano:** No, no, I am not saying that because these are not vacancies that are being filled and there is a selection board. They pick people on the basis of assessing if the people are going to benefit from the training.

2150 The hon. Member opposite is *determined* to make believe something invented by him and therefore trying to get me to admit to what he has invented. The answer is he is wrong. His invention is wrong. His prediction was wrong when he said we were going to put 1,100 people in the public sector and ruin Gibraltar. He was wrong then and he is wrong now. And he is still trying to prove the same thing, and time will prove him, as he sees the result and the effectiveness of this, that we are increasing constantly the number of Gibraltarians in the private sector, *not* in the public sector.

2155 **Hon. D A Feetham:** Yes, don't blow a gasket but are these the same people...

**Hon. J J Bossano:** I will blow as many gaskets as I want. (*Laughter*). I am entitled to blow gaskets after he welcomed my being here for 40 years. (*Applause*).

2160 **Hon. D A Feetham:** The hon. Member is taking too many legal points. I should have really added a legal caveat at the end of my tribute to the hon. Member this morning!

But are these people, by any chance, card carrying members of the GSLP – those people who signed for the Future Jobs Strategy at GSLP headquarters during the General Election? (*Applause*)

2165 **Hon. J J Bossano:** I do not know whether they are or they are not because they are not selected on that basis but I would strongly recommend to all of them that, if they are not, they should immediately apply. (*Applause*)

2170 **Clerk:** Question 505, the Hon...

**Mr Speaker:** Would this be a convenient moment for a ten minute break?  
The House will recess for 10 minutes.

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*The House recessed at 12.08 p.m.  
and resumed its sitting at 12.20 p.m.*

2180

**HEALTH AND ENVIRONMENT**

**Barbary Macaque ‘threat’  
Remedial action proposed**

2185

**Clerk:** Question 505, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide details of the action he is taking to deal with the threat the Barbary Apes represent generally and, specifically in light of the many daily complaints communicated to the Opposition by residents in the Gardiners Road area?

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**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, as explained previously, a plan has been compiled that can take account of the general situation regarding the macaques and will address many of these problems.

In the meantime, responses to call-outs are continuing, as in the past, with management staff trying to move the monkeys away and explaining to residents what action they need to take to discourage them. I would ask the Opposition to pass details of the ‘many daily complaints’ to Government to ensure that a response is initiated and that a proper record of incidents can be kept.

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**Hon. S M Figueras:** Mr Speaker, I am grateful for the answer and I will certainly pass the message on and enquire as to the specific nature of the complaints and certainly advise them to pass them on. It is just that the complaints we are made aware of are those that are, essentially, duplicates of the many complaints that are already being lodged.

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In respect of the specific area of Gardiners Road, which is one that is very much in the limelight because I do not know whether perhaps the Minister will be aware, but there is this group on Facebook called the ‘Gibraltar Apes Problem’. I am not certain whether he is a member or not (*Laughter*) – it is apparent that, in this session of Parliament, Facebook will be quite a common feature. I wonder is the Minister aware of the nature and regularity with which complaints are lodged, published or talked about on the forum?

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**Hon. Dr J E Cortes:** Mr Speaker, it is interesting that the hon. Member should have the impression that I frequent Facebook at all. (*Laughter*). However, I am aware of the group and I am aware of the instances.

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This is something that has happened for years, in fact probably for decades. Splinter groups of the apes tend to move down into the Trafalgar Cemetery, St Jago’s area, on a regular basis – daily basis – and they move through Gardiners Road. So this is a problem that has been witnessed in the past.

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In fact, I remember when the Hon. Mr Reyes had an office there as Minister for Culture we had numerous conversations about tackling this. It is a problem which has been tackled as I described and will be caught, we hope, in the general management plan about which I have a question – 509. If he wants to ask any further questions on that, perhaps we can leave it until 509 shortly.

2225

**Control of seagulls  
Management plan**

**Clerk:** Question 506, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment indicate to this House what action is being taken in respect of the control/management of seagulls and can he confirm whether reports of dead

2230 and injured seagulls recently frequently appearing around Gibraltar has anything to do with the deployment of seagull population control initiatives other than controlled culling?

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

2235 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the ongoing gull control programme by local operators is continuing as usual, with much of the time at this point in the season being dedicated to call-outs in built up areas.

2240 In addition, the last phase of a four year programme for the management and control of the yellow legged gull population has only recently been completed by FERA, the UK Food and Environment Research Agency, who were initially contracted by the previous administration for four years. This final phase was conducted through a period of 23 days, with a total of 2,477 seagulls culled and 179 eggs removed.

I can confirm that no control initiatives, other than the properly controlled culling methods, have been carried out, to our knowledge.

2245 **Hon. S M Figueras:** Thank you, Mr Speaker.

Specifically in the area of Schomberg/KGV, we have had representations made to us from residents in the area of the particularly difficult situation in which those residents find themselves, in respect of the, what I understand to be, annual cycle of chicks and that particular aspect of seagull management.

2250 Is the Minister aware of the physical harm with which they are threatened and, in fact, that residents in the area have sustained as a result of that problem in that particular area?

2255 **Hon. Dr J E Cortes:** Probably more aware than most. Of course, I am aware of the possibility of – I use the word ‘attacks’ with caution, because normally seagulls are trying to scare you off, and it can be quite scary, particularly if you do not have a knowledge of the way they behave. It is very, very rare that they actually have an impact on you but, of course, I am aware this is precisely the reason why culling is carried out now, as it was by the previous administration.

2260 It is a problem in Gibraltar, as it is in many other coastal cities around the world and, obviously, is one that is being tackled. We hope, as I think I may have said in answer to previous questions, we are going to be re-deploying resources that were dedicated by the previous administration to FERA, now that their programme is concluded, to enhance the local programme so that more resources are put into it in the coming years.

2265 **Hon. S M Figueras:** Does the Minister concede that, or rather believe that, it is satisfactory that, in recent weeks certainly, as communicated to us by concerned individuals, the contact number provided for GONHS in the directory, which people have been trying to contact, furiously in certain instances, has provided little more than an answerphone at the end of it, confirming that there will be no one available to take calls on that number for two weeks and offering an alternative number which then turns out to be the number for the Botanical Gardens... at the end of which there seem to be representatives who explain that seagull control actually has nothing to do with the Botanical Gardens!

2270 Now, I am aware, only today, that the number for GONHS is now re-directing, or was certainly yesterday, to the Botanical Gardens: no answerphone. Is the Minister satisfied that the access to experts, or access to people who can help, is satisfactory at this moment in time?

2275 **Hon. Dr J E Cortes:** Mr Speaker, I suspect that, as those calls used to be directed to me personally, when I was working on contract with the Ministry for the Environment under the old administration, as I had been for many years, perhaps the link is still going to my old office. However, I am glad to say that I will be announcing, in response to the hon. Member’s question – the next question, in fact, on an environmental hotline – that this has now been resolved.

2280 **Hon. S M Figueras:** Mr Speaker, in a previous session in this House where we talked about the seagulls – I believe it was the March session – there was reference to there being ‘enhanced resources’ provided to the local culling operation which the Hon. Minister has referred to again in previous answers.

The operation by FERA having been completed, is the Minister able to describe or explain to some detail what these enhanced resources for GONHS, the contractor I understand he identified at the last session, will in fact be?

2285 **Hon. Dr J E Cortes:** Not yet, Mr Speaker. These are issues that are being considered and will be discussed with the operators, but we are not...

I have some personal ideas, through my own experience in the matter but, certainly, we have not yet decided exactly how this will work but, no doubt, when the decision is made I will be more than happy to share that with the Members opposite.

2290 **Hon. S M Figueras:** Mr Speaker, is the Minister aware of any secret weapons, explosive, natural or otherwise, that GONHS may have been deploying in the last few weeks in the control of the seagull population?

2295 **Hon. Dr J E Cortes:** No, I am not, Mr Speaker.

I do not know what the hon. Member is referring to. I am aware that, as part of their programme this year, FERA, together with GONHS, were testing the use of laser, which is obviously not an explosion, it is a visual disturbance at night to nesting gulls which had the desired effect of displacing them from their nests. Therefore, if this happens regularly enough, particularly in the cooler period of the night, it could decrease nesting success.

2300 It may be, if sounds have been heard, that that could be FERA who do use shotguns and that may explain if any explosive sounds have been heard. That would be the FERA operation which, like in years past, have had shotguns licensed appropriately and that may be if some sounds are being used. Other than that, I have no knowledge.

2305 **Hon. S M Figueras:** Mr Speaker I am fully aware that I may be letting the cat out of the bag and that there is a question in the Order Paper on cats later on but to let the secret out, the 'secret weapon' which has been referred to us in the Opposition, is the use of a hawk by members of GONHS.

2310 Is the Minister able to provide us with any further information in relation to this?

**Hon. Dr J E Cortes:** Yes, Mr Speaker. Sorry, I thought as he said 'explosions'... I was thinking of noise. Yes, the use of falconry has now been carried out for five or six years and the falconers are licensed under the Nature Protection Act, as are the birds in question: and they are used to disrupt, again, disrupt the nesting of gulls.

2315 We all know how gulls do not like the presence of birds of prey so there are two purposes here: either a hawk is flown, then the gulls are displaced and, the more disturbance, the less likely they are to succeed in the nesting. But also in built up areas where they cannot use rifles and so on to cull, then the use of hawks is a preferred option, as is the case in other places, for example in airfields in other parts of the world.

2320 **Hon. S M Figueras:** Is the Minister aware – and, perhaps, I am calling upon his expertise when in GONHS prior to his current role as Minister for the Environment – is he aware of any negative effects, any potential dangers, for the population, the community as a whole, stemming from the use of the hawk?

2325 **Hon. Dr J E Cortes:** The community of wildlife?

**Hon. S M Figueras:** No, the human community.

2330 **Hon. Dr J E Cortes:** Any detrimental effect on the human population: these hawks are this small, I do not think they could carry you away! Sorry, I don't think they could carry the hon. Member away. *(Laughter)* If he is implying anything else, instead of implying it, if he asks it directly then I will attempt to answer it.

**Hon. S M Figueras:** Mr Speaker, I was not talking about the British Aerospace Systems Hawk, the training aircraft, the Red Arrows, I was referring to hawks occurring in the natural context.

2335 By my question – and, perhaps, it was a little too general – I was referring to the appearance frequently recently of maimed animals, dead animals, on the road, in terms of the health hazard, in terms of animals falling on you. Perhaps some more details in that respect would be helpful.

**Hon. Dr J E Cortes:** No, Mr Speaker, certainly not from the use of falcons or hawks. In fact, I think, if they are still using the same bird they used to use when I was involved in the operation, they would be

- 2340 American Harris Hawks, captive, bred for the purpose.  
They are specifically trained to attack or catch *only* gulls. They are trained by the operators, who are very well experienced in this sort of matter and they are specifically trained to take yellow-legged gulls. Once they have a specific search image, it is *highly unlikely* they will go for anything else.
- 2345 Any maimed animal or whatever would have to have other –
- Hon. S M Figueras:** Perhaps the Minister will give way... Just to clarify, I am not talking about risks, Mr Speaker, to the human population directly from the hawk but as collateral damage – and I was not even referring to that – but as collateral damage from seagulls being injured, then causing injury or risks to the general population.
- 2350
- Hon. Dr J E Cortes:** Alright. There has been no change in the methods used to the previous administration and I am not wanting to make this a political point, I am trying to stick to the technical aspects.  
Not from the use of hawks... perhaps if an injured gull, which may be injured by whatever reason, either naturally by one of the wild hawks, for example, or falcons or perhaps as a result of another operation, like shooting or whatsoever: if a gull is injured it might fall on the ground in front of somebody. That might be unpleasant. Those situations have occurred particularly when FERA has been here, with the use of shotguns, and it is regrettable, but that is not going to happen again because they will not be coming back. But certainly not from the use of birds of prey.
- 2355
- Hon. S M Figueras:** Mr Speaker, not meaning to delve into the political pre GSLP-type discussion that we have had very often in this House recently, is the Minister satisfied that this approach, as one of the solutions for the seagull management and control, is an appropriate and perfectly acceptable measure for this Government to undertake.
- 2360
- Hon. Dr J E Cortes:** The hawks? (**Hon. S M Figueras:** Yes.)  
Yes, it is not going to solve the problem. It can reduce breeding success in built-up areas, which is a problem because they cannot be approached in any other way, particularly if the nests are not accessible to the operators. Therefore, if it reduces nesting success and does take out certain pairs, then the long term benefit will be that those pairs would not be there next year and perhaps they will be discouraged from nesting in particular areas. It is a legitimate method.
- 2365
- Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister explain whether the hawks would be successful in clearing gulls from the airfield in terms of air safety?
- 2370
- Hon. Dr J E Cortes:** Mr Speaker, how long has the hon. Lady got for this answer?  
Yes, the view is, yes. Again, purely on the technical side and from the experience I have in my previous occupation, not to say profession – I hope the profession continues beyond your occupation – there have been initiatives in the past to introduce falconry in the airfield. In fact, the latest initiative was in conjunction with the development of the new air terminal, but the previous Government did not approve those proposals.
- 2375
- Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Minister be consulting with air traffic control about the introduction of the use of lasers in order to disperse gulls?
- 2380
- Hon. Dr J E Cortes:** Yes, Mr Speaker.
- 2385
- Mr Speaker:** The Hon. Daniel Feetham:
- Hon. D A Feetham:** It is just out of interest – the hon. Gentleman and I share an interest – him more than me, obviously, in wildlife, particularly in the Upper Rock, but he may recall the conversation that we had, that the red fox had been re-introduced into Gibraltar. Does he think that the red fox population is going to be impacting on the population of gulls? Is that the idea and can he provide some information to the House as to how he believes the population of red foxes are actually doing since they were introduced?
- 2390
- Hon. Dr J E Cortes:** Mr Speaker, I think next time I will bring a PowerPoint presentation and I am sure

2395 we would all enjoy what I have to say on the wildlife.

It is not particularly... well, it is relevant – the success of the re-introduction programme of the red fox of some years ago is in question. The experts tell me that they are not sure whether it was successful or not so, therefore, I cannot really answer whether there has been any impact or not. It is a matter that will be taken into consideration as we develop an Upper Rock plan.

2400

**Upper Rock feral cat population  
Method of management**

2405

**Clerk:** Question 507, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment confirm what, if any, action is being taken to control/manage the feral cat population in the Upper Rock?

2410

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, Government is currently considering what action can be taken to deal with this matter since it is committed to the protection of the natural environment of the Upper Rock.

2415

Government is committed to the enhancement of the biodiversity of the Upper Rock Nature Reserve. It is currently considering, in this context, what action can be taken to deal with the feral cat population and, before I am asked any supplementary, the answer is we are *considering* it: we do not at the moment have a defined plan.

2420

**Hon. S M Figueras:** Mr Speaker, in this context, does the Minister – I suspect he will, but I will ask the question just to be on the safe side – accept that the Barbary Partridge is an iconic species for Gibraltar?

2425

**Hon. Dr J E Cortes:** Yes, Mr Speaker.

**Hon. S M Figueras:** And further in that context, does the Minister accept that the feral cat population is responsible for the decimation ongoing of that Barbary Partridge population?

2430

**Hon. Dr J E Cortes:** Mr Speaker, with this – in replying to the affirmative – I know that the hon. Member next to Mr Figueras shares this concern, as a resident of the Upper Rock.

2435

**Reporting of environmental issues  
Hotline and central e-mail address**

**Clerk:** Question 508, the Hon. S M Figueras.

2440

**Hon. S M Figueras:** Can the Minister for the Environment confirm whether an environmental hotline and central e-mail has now been established for the purpose of reporting environment related matters?

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

2445

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I am going to slightly change my prepared answer because of developments today.

I was going to say Government will *shortly* be issuing... I am now going to say the Government will, within the next 24 hours, be issuing a press release that will provide details of the counter address, telephone number and e-mail address that will be provided so that the public can register any environmentally related issues.

2450 The public will also be reminded of the various contact details already at their disposal in respect of specific matters. The press release, as I say, is going to issue very, very shortly.

2455 **Hon. S M Figueras:** Mr Speaker, does the press release cover and, in that event, will do away with the need for the Minister to answer the question in substance; does it cover the response, reaction, action that will be taken in response, to matters lodged with that hotline?

**Hon. Dr J E Cortes:** Mr Speaker, it is a short press release. I am happy to read it – I am not sure it answers all the questions.

2460 'The Department of the Environment has set up an Environmental Complaints Section for the purpose of providing the general public with a one-stop shop in respect of the reporting of environmental matters. The Section's core function is to gather information received from members of the public and pursue action directly from the respective service providers. A register of all issues raised will be established that will assist with monitoring the services provided. Feedback will be crucial to this process.'

2465 And then it goes on to explain when it will be manned, when there will be an answerphone, the telephone number and an e-mail address.

2470 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Minister for reading the press release, as it does answer a number of questions that I had. However, it omits to deal with one or two particular issues that I would like to raise in addition by way of supplementary.

When will the hotline be manned is one question and, more importantly, perhaps, is what will the public be able to... or what can the public count on, in terms of the response where there is an emergent situation?

2475 **Hon. Dr J E Cortes:** The line will be operational immediately. It already exists. It is just that it has not been publicised, until this press release issues.

2480 The unit that is dealing with this, which is the Environmental Monitoring Unit at New Harbours, will log and refer the complaints to all the respective operators. For example, if there is a complaint to do with gulls then they will call the people for dealing with gulls. If it is a complaint which is more related to the Environmental Agency, they will continue with their numbers and so on but then they will be directed to the Environmental Agency or they will take the call and process it themselves.

Obviously, it is a new system which, as it develops, will mature, but the intention is that anybody who has an environment related concern will have one point of reference.

2485 **Hon. S M Figueras:** I commend the speaker for establishing the system because it is certainly something that there is no doubt the public will be able to avail itself of and benefit significantly from.

2490 However, there is one omission in the answer which I would just like to probe that little bit further, which is what will happen in the emergent situations where there is a current emergent need for some kind of assistance by the relevant officer? I know that officers have been loath in the past to be available on a 24-hour basis, to publish their mobile phones even, but I just really wish to put on record the concern of some residents that there is little or no response in specific instances of danger.

**Hon. Dr J E Cortes:** Well, it really depends on what it is. What is 'urgent' is hard to define: something that is clearly urgent and, in other cases, it is more a matter of opinion.

2495 Certainly, the 24 hour on-call Environmental Agency Officer will remain. The Police is always a point of contact that furthers contact. Those things will all remain and, as I say, as we develop this system and see what problems there are then, hopefully, we will be able to, as I say, develop it and improve it, but all the existing emergency support for environmental matters, which *essentially* is the Environmental Agency – they remain in place.

2500 **Hon. J J Netto:** Can I ask, in order to try and clarify some of the things that the Hon. Minister has said, because he did say that the environmental hotline would be based in New Harbours, where the office is of the environmental monitors? Now, to my recollection, they normally work normal working hours, but what happens, for instance, where someone is calling to the hotline after normal working hours or even the silent hours? How is this system going to work?

2505

**Hon. Dr J E Cortes:** At the moment there will be a voicemail that will operate.

2510 Clearly, the options that are being considered is whether, during the silent hours, the call could be diverted, for example, to the Environmental Agencies call or to the Police but that is something that we are considering at the moment. This is not meant to replace any emergency situation, this is meant to provide people with ongoing concerns a point of contact and we will develop it and, hopefully, it will be an improvement.

2515 **Hon. S M Figueras:** Mr Speaker, just one supplementary, I hope, because I really hate to labour the point. It is just that the Hon. Minister has said that, initially, the hotline will be a voice message. Now, in emergent situations who will be on hand to listen to the voicemail to determine whether or not it is an emergent situation, in the first place?

2520 **Hon. Dr J E Cortes:** As I said, this is not supposed to be dealing with emergency situations. I understand the concern. I have not heard the message yet, but it can be made clear in that, that emergencies can be referred elsewhere or we re-direct. I will take that up right away.

**Clerk:** Question five...

2525

**Beach refurbishment programme  
Details of work and cost  
Revised schedule**

2530 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, before we move on to the next Question, with your indulgence, perhaps we can move back to Question 487/2012, where the Hon. Mr Bossino asked me about a discrepancy on the schedule that I handed him and the hon. Members opposite.

2535 Just to say that I have had the situation rectified. Essentially, there was a misalignment on the right hand side of the schedule that had the figures mismatching with the items. I have shown the revised schedule to the hon. Gentleman: he is satisfied that it is now correct.

I am grateful to the hon. Member for pointing it out and I now hand over the revised schedule to the hon. Gentleman opposite.



SCHEDULE TO QUESTION NO 487/2012

Beaches Expenditure 2012 (FROM JANUARY TO 13TH JUNE 2012)

	LITTLE BAY	CAMP BAY	EASTERN BAY	WESTERN BEACH	SANDY BAY	CATALAN BAY	ALL BEACHES	TOTAL
EQUIPMENT		£399.00					£2,604.82	£3,003.82
REPAIRS	£53,706.14	£26,438.20	£1,741.24		£6,303.14	£1,206.00	£1,321.10	£90,715.82
GENERAL				£20,000.00			£2,507.55	£22,507.55
SERVICES	£10,000.00	£300.20	£275.00		£540.00			£11,115.20
MATERIALS	£31.50			£535.00			£6,997.26	£7,563.76
TOTAL	£63,737.64	£27,137.40	£2,016.24	£20,535.00	£6,843.14	£1,206.00	£13,430.73	£134,906.15

The following are some of the extraordinary works/services included within the above schedule:

2540	1 Lifeguard uniforms	£2,507.55
	2 Repairs to lifeguard boats	£900.00
	3 Repairs / servicing of outboard engines	£421.10
	4 Binoculars for LGs	£299.50
	5 First order of 1st Aid stock for LG posts	£1,298.50
	6 Repairs to LG posts switches and sockets	£209.93
	7 Disabled toilet fittings Camp Bay	£399.00
	8 Painting of pools at Camp Bay and Little Bay and necessary repairs	£28,001.84
	9 Erection of new railings on bottom two tiers at Little Bay and extensive repairs to damaged promenade sections	£50,492.50
	10 Beach lighting at Little Bay	£10,000.00
	11 Pinewood planks to repair walkways (Eastern Beach, Catalan Bay, Western Beach)	£385.00
	12 Relocation of Western Beach toilets (These works are to be charged as part of the reclamation programme)	£20,000.00
	13 Repairs to verandas and beach access stairs at Eastern Beach facilities	£1,741.24
	14 Transportation of LG post from W. Beach to Sandy Bay and placing on location	£540.00
	15 Sandy Bay umbrella store, wooden stairs and closure of the concrete access ramp	£6,303.14
	16 PVC cladding of toilets at Catalan Bay North	£1,206.00
		<b>£124,705.30</b>

Point no. 10 represents an approximate cost as GibElec still have additional associated works which need to be verified.

We have also been furnished with a new lifeguard boat store at Eastern Beach, capable of holding two vessels mounted on their corresponding trailers. This structure has been constructed as part of the on-going refurbishment and beautification programme of Eastern Beach. We have no costing for these works.

2545 **Hon. D J Bossino:** Mr Speaker, just to point out, for the sake of the record and, therefore, for the sake of *Hansard*, I think, if my memory serves me correctly, the £399 expenditure, in fact, relates to disabled toilet fittings at Camp Bay and not to repairs to LG posts, switches and sockets, which I think is the explanation which the Minister on his feet offered to me.

**Mr Speaker:** Well, I think the *Hansard* will disclose that, but the Minister at this stage rose to rectify the answer given to Question 487 with an amended schedule.

2550 **Hon. N F Costa:** That is correct.

Mr Speaker, the hon. Gentleman states the position correctly. The amount relates to disabled toilet – Camp Bay – fittings. As a result of the misalignment, I thought it related to item 6, which were repairs to lifeguard posts. Now that the schedule has been revised, it does correctly refer to disabled toilet fittings at Camp Bay.

2555 I am grateful to the hon. Gentleman.

**Barbary Macaque Management Plan  
Re-drafting and re-costing**

2560

**Clerk:** Question 509, the Hon. S M Figueras

**Hon. S M Figueras:** Mr Speaker, my last question for the Hon. Minister.

2565 Can the Minister for the Environment now state, following his planned meeting between last month's session of Parliament and the present one, whether the Barbary Macaque Management Plan has now been re-drafted and re-costed and can he give an indication as to why this exercise has been necessary?

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

2570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, work is still in progress. The exercise has been necessary in order to extend the plans and incorporate elements that were discarded by the previous administration and include new elements brought on board by additional expert advice.

2575 The Barbary Macaque Management Plan is currently being re-drafted with international NGOs, sorry, and with input from international NGOs and Professor Agustin Fuentes, following his recent visit, and will be discussed with local experts before it is adopted.

2580 The re-drafting will include a re-costing exercise. I hope this process will be complete by the end of the summer. The exercise has been necessary due to shortcomings of the former management regime under the previous administration which was under-resourced and under-supported. This meant, for example, a lack of supervision at the sites, a lack of interpretation, no support for research, failure to discourage illegal feeding, lack of financial support to improve facilities at the site for the monkeys and visitors, slow or non-existent decision making.

**Hon. S M Figueras:** Mr Speaker, I am grateful.

2585 The Minister explains that the BMP – and I make no apologies for any innuendos that may come out of that – but he refers to re-costing of the BMP, that previously it was under-resourced and that there were failings under the GSD Administration.

2590 One would imagine that if the re-costing exercise is revealing, or certainly it was clear to the Hon. Minister that it was under-resourced before, that there is going to be a need for more resources going forward. Is the Hon. Minister able to give an indication of those resources that will be required and, further, whether provision for that has been made by the Government already?

2595 **Hon. Dr J E Cortes:** No, Mr Speaker, I am not able to say what resources are going to be needed and, therefore – I am just trying to remember – provision has not been made for the *full* Plan because we still do not know what provision we will require.

2600 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister having understood, for as long as he had been involved in GONHS in a professional context, prior to taking up his role as the environmentalist Minister for the Environment, one would imagine that a certain provision *would* be made, on the basis that there is an understanding that some extra resources will be required and even though the exact number is unknown as yet because the re-costing exercise is taking a long time to be done, that some provision would be made. Has none at all been made or has some of it been included?

2605 **Hon. Dr J E Cortes:** Mr Speaker, I think this discussion should be more appropriate during the Budget session, when I will have the information at hand and not rely on memory as to whether or not a token or otherwise... I would rather, and I would be happy to discuss this at the appropriate time. I do not have all the information available.

2610 **Hon. S M Figueras:** I am grateful for the confirmation that he does not have the information available and I look forward to discussing the matter at the relevant session, as he says.

Now you mentioned that there has been consultation with many NGOs, international, and that there will be consultation with local experts' as well. Could the Minister confirm whether there has been cost involved to the Gibraltar Government or to GONHS in respect of the advice received by all those NGOs, including Professor Fuentes?

2615 **Hon. Dr J E Cortes:** Mr Speaker, the only costs that one could relate directly or indirectly to this was the fact that I met with the Born Free Foundation and the International Primate Protection League in London as part of a visit to different environmental departments and organisations, so it would be my travelling costs for

that.

2620 Professor Agustin Fuentes had his flights and accommodation – I think it was for two nights – paid for his visit, but he is not charging any fee for this service.

**Hon. S M Figueras:** I am grateful and I commend the Hon. Minister for being able to leverage that kind of resource on a *pro bono* basis. It is certainly welcome.

2625 However, have any local experts, of which there are some certainly, been consulted during the re-drafting, or would they only be consulted once it is completed?

**Hon. Dr J E Cortes:** They have been consulted during, and they will be consulted at the latter stages of, the drafting. In other words, the revised draft that Professor Fuentes will provide will be presented to local experts before the final version is presented to Government.

2630

**Hon. S M Figueras:** Mr Speaker, I expect the re-drafted plan will be circulated in a round-robin-type exercise, as was the case (*Laughter*) with the World War II Blast Wall.

2635 However, would the Minister be able to enlighten us as to the identity of the local experts who have been involved, if it will not take too long?

**Hon. Dr J E Cortes:** Yes, certainly. The local experts who have been involved include... Let me just think. Apart from GONHS, which has several, Mr Brian Gomila, whom I assisted at the time of the previous administration in getting funding for a Masters. I have not yet spoken to John Fa, but I will be doing so. I was hoping to be able to visit him, but time did not allow. So, apart from those, within the Natural History Society... I am just trying to think. Other people who have an interest in the Upper Rock have also been consulted, but at the moment I think the only name I can remember is Brian Gomila.

2640

**Hon. S M Figueras:** One final supplementary, which may inevitably lead to another one or two: the Hon. Minister mentioned illegal feeding as one of the failings of the previous administration, and one would assume that, being a failing, it is one of the matters that are being dealt with actively in the newly being re-drafted plan, which is still under consideration. Is the Minister able to provide this House with a little more information as to how they propose, how he himself would propose, or GONHS or whoever the NGOs are, to deal with this particular matter moving forward?

2645

**Hon. Dr J E Cortes:** On dealing with illegal feeding? Again, it is a complex issue which will involve the co-operation of different users of the Upper Rock so, at this moment, I would just like to say that there are ideas on how this could be done but, certainly, there is a law that has to be enforced and we hope that all – we *know*, in fact, that all – the stakeholders will be happy to go along with it.

2650

2655 Obviously, there will always be individuals who will choose to do differently – individual tourists who might want to feed monkeys and so on – but, hopefully, we will be able to control that by supervision at the site, and so on, but as I say, it is a developing process.

I cannot really say any more because I cannot be held to any more, because we are still developing the programme.

2660

**Hon. S M Figueras:** Granted, Mr Speaker, but in relation to... and in the avoidance of doubt in respect of the identity or nature of the stakeholders in this particular process, will the Government be consulting the public in relation to those measures in relation to the feeding, given that the public themselves are users of the facilities?

2665

**Hon. Dr J E Cortes:** Mr Speaker, the public has been consulted in relation to the Upper Rock management, which is a parallel process to the Barbary Macaque. There have been representations made by the public on the Barbary Macaque, and those are being shifted sideways to be part of this process, yes.

The answer is, yes, they have been, and any other comments will always be more than welcome, either directly to my office – or even on Facebook.

2670

**Hon. Deputy Chief Minister:** Mr Speaker, I have the honour to move that this House do now adjourn until three o'clock.

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

*The House adjourned at 1.00 p.m*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 6.18 p.m.**

**Gibraltar, Thursday, 21st June 2012**

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

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

## Questions for Oral Answer

**CHIEF MINISTER**

**Mr Albert Poggio**  
**Consultancy arrangement and remuneration**

**Clerk:** Answers to Questions continue.  
Question 563, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Can the Government say how long it envisages that the consultancy arrangement with Mr Albert Poggio will endure and the remuneration he receives?

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

10 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as to how long the consultancy arrangements with Mr Albert Poggio will endure, this question was answered in the answer to Question 350/2012 and I am surprised that the hon. Member has not appreciated that.

As to remuneration, the answer is that the sum paid, as provided for in answer to Question 350/2012, is exactly the same as was agreed by his Party Leader in the agreement of 25th March 2011.

15 I am nonetheless happy to give the information, which is that the sum of £65,000 per annum is paid to Mr Poggio under that consultancy arrangement.

20 What I will say, Mr Speaker, given the plethora of questions from the hon. Members of the Opposition on this matter and on this gentleman, is that I share the views expressed by the now Leader of the Opposition, that Mr Poggio has done a tremendous job over many decades and we are delighted that he continues in his role. I would for myself, Mr Speaker, add that Gibraltar owes Mr Poggio a debt of gratitude of immense proportion for the work he did in 2002 in defeating the joint sovereignty proposals.

25 **Hon. D J Bossino:** Mr Speaker, does the Government at this stage have a firm view as to the continuance of the consultancy arrangements, once the current arrangements are concluded – I believe it would be around about 2013?

**Hon. Chief Minister:** Not at this stage, Mr Speaker.

30 **Hon. D J Bossino:** And does the Government have a view, at this stage, at what stage in the future it thinks that there ought to be a conversion – if a conversion there is to be in the future – between the responsibilities currently being carried out by Mr Canessa as Director of the London office which, as he explained on the last occasion, are administrative in nature and those currently being undertaken by Mr Poggio, which are purely political in nature?

35 **Hon. Chief Minister:** Mr Speaker, that is not a question of at what stage it would happen; it is a question of whether it will *ever*, in fact, happen.

40 **Hon. D J Bossino:** Yes, I am thinking particularly of the current beneficiary of the consultancy arrangement with Mr Poggio, given the wealth of experience, and both direct experience and because of the contacts that he has with various MPs. Presumably there is going to be at some point a hand-over to somebody else. It may not necessarily be a person who is currently charged with the administrative responsibilities of the London office; it could be, and hence the question in relation to convergence, but the Chief Minister said that that may not necessarily converge, but whether it is convergence or whether it is, at some point in the future, a handing over to somebody else – Mr Poggio is of a certain age – does the Government have a view in relation to that, as to how the transition, if you like, is going to take place?

45 I am just concerned that we have Mr Poggio, who has, as I said earlier, a wealth of experience and information at his fingertips, which he ought to be, I think, in a position to hand over to somebody else in the, I would have thought, not-too-distant future.

50 **Hon. Chief Minister:** Well, Mr Speaker, if Mr Poggio has the same attitude to life that the present Minister for Employment has, it may be that we are lucky enough to have him around for many years (*Interjection*) – for many years, although I think he is quite a bit younger than the present Minister for Employment. So it may be that we have him around for quite a bit of time still, and that would be a very good thing, for the reasons that the hon. Gentleman has touched upon – the level of contacts that Mr Poggio has.

55 I think to an extent that is to underestimate what Mr Poggio does. Mr Poggio is not just a ‘Rotadex’ of contacts of friends of Gibraltar. There are certain things that Mr Poggio does for Gibraltar in London which relate to the abilities that Albert Poggio has, not who he knows, and those issues I think are issues that are or those things that he does because of who he is, not issues that are as simple as handing over a list of contacts or introducing people to a new man in London.

60 So I think it is an issue which the hon. Gentleman can rest assured the Government is fully aware of, and I  
am sure the previous Government was fully aware of. It is not as easy to resolve as simply converging the role  
of one party at the London office with Mr Poggio's role, in the hope that from there will emerge a successor  
to Mr Poggio. I think there is much more to it than that and, therefore, it is not something which we can easily  
debate across the floor of the House. There are many intangibles, many soft issues here that are not just  
65 resolved by the transfer of contacts.

**Hon. D J Bossino:** Yes, just as a point of clarification, Mr Speaker, I did specifically mention the contacts  
he would have available to him, as well as his experience.

70

**Moroccan Workers' Hostels  
Closure and transfer of residents**

75 **Clerk:** Question 564, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Chief Minister state if it is the intention of the Government to close  
the two existing Moroccan Workers' Hostels and to transfer the current residents onto a ship which will be  
anchored by Coaling Island and, if so, by when does the Government intend to do this?

80

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an issue that has been discussed with the  
representatives of Moroccan workers. There is no fixed plan in this respect at this stage.

85

I would also add, Mr Speaker, that it is not a ship which was being considered, but a floating hotel that  
might have been considered and is in the process of discussion.

**Hon. J J Netto:** Mr Speaker, I am grateful for that answer.

90

The Chief Minister has actually said that it is something which is being considered – presumably  
something that, perhaps, the Government is pursuing, with a view to try and get this floating vessel, as he  
calls it, and thereby close the two existing hostels. Could the Chief Minister provide a kind of dateline upon  
which he would like this discussion to come to an end, with a view of carrying out the Government policy?

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman prefaces his question with a lot of assumptions,  
including that it is Government policy to do the things that he suggests.

95

It is not an issue of Government policy. I told him that we are discussing with the Moroccan Workers'  
Association and the Moroccan Community Association a possibility which is similar to the issue that he has  
raised in his question.

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It is not a vessel that we are talking about, but a floating hotel. A floating hotel is not a ship. In other  
words, it cannot sail. It has to be towed and anchored and set almost in stone in a particular place, until it is  
once again pulled to another location for future use. In any event, it would not be a long-term solution. What  
we are talking about here is having to deal with issues at the hostels and in the period whilst you construct  
something else, etc, having a better facility than the ones that are presently available.

I am sure the hon. Gentleman knows why this issue arises.

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**Hon. J J Netto:** Mr Speaker, if I may, could I ask the Chief Minister whether in the process of this  
discussion which is taking place... does he envisage the discussion to finalise perhaps within the next three to  
six months and, therefore, at the end of those three to six months, the Government may be able to proceed  
with this particular policy?

110

**Hon. Chief Minister:** Mr Speaker, I confirm to the hon. Gentleman, this is not an issue of policy. This is  
an issue of having to deal with a problem.

Now, it is very likely that in the next three to six months, perhaps even within the three months, this issue  
will have been resolved, because it does involve... I am not saying negotiation, because negotiation means

115 one thing; I am saying discussion – and I am saying that advisedly – with the Moroccan Community Association and with the Moroccan Workers’ Association, to see whether they feel that this is something that they can get comfortable with.

120 The hon. Gentleman needs to ensure that he does not overlook why this issue arises. Of course, he and I would probably be very easily in agreement that the existing workers’ hostels are not necessarily as one would wish them to be. They are not of a standard that one would wish to be providing. I have visited the workers’ hostels, without advising that I would be on my way to visit it, to see it as it is. He and I will, I am sure, agree that we should be, if possible, providing better. This is one potential way of providing better whilst a new solution is provided.

125 But he will, know, Mr Speaker, that the reason that this is urgent is because the Government when he was a member of it, just over a year ago, entered into an agreement to vacate the Buena Vista Hostel not later than 30th June 2012, but did nothing to relocate the people who live there. It is not possible to build a hostel in 20 minutes. It is not possible to build a hostel in six months and, therefore, if the Government is going to be not in breach of its obligations under this agreement – which I can tell the hon. Gentleman in the next six days, I reckon we *will* be in breach – if we are not going to be in breach of this agreement, then we need to provide an interim solution, whilst new facilities are provided for. Hence why this has been put on the agenda.

130 It is only because the agreement signed by the GSD on 12th April 2011 with BV Homes provides in clause 2A(3) that the Government will give vacant possession of the workers’ hostel at Buena Vista by 30th June 2012.

135 **Hon. J J Netto:** Mr Speaker, I agree obviously with the hon. Gentleman that you cannot build a hostel in 20 days.

140 Given that that is moving ahead as a possible option, to try and provide what he calls floating vessels, I presume that he must have in his mind an idea at least who will conduct the administration service on behalf of the Government. Will it be conducted in-house or will it be outsourced to the private sector to do the administration of this floating vessel on behalf of the Government?

**Hon. Chief Minister:** Mr Speaker, there are a number of different options being considered in respect of how that might occur.

145 I am sure that what he would agree with me would be the best solution would be (a) the one that is more financially advantageous to the Government, whilst (b) using those Government resources that are already available in-house to the Government for the administration of the current Government hostels to the best possible use.

150 **Hon. J J Netto:** Yes, Mr Speaker, no doubt about that; but one of the things that I am interested in knowing is that who will be – in this likeable scenario that the Chief Minister is referring to – the one setting the level of rent, hypothetically speaking, that the Moroccans will have to pay in this floating vessel? Will it be the Government setting the level of rent that the Moroccans will have to pay in this new hostel, if I can call it that, or will it be a private sector company? That is what I...

155 **Hon. Chief Minister:** Mr Speaker, I think what the hon. Gentleman is trying to get to is what will the level of rent be? What I am quite happy to tell him is that we are not envisaging that Moroccan workers, or other users of Government workers’ hostels, should be paying more if they are existing tenants of the Government, under the existing arrangements, than they were paying to date.

160 Mr Speaker, this is about getting the Government out of the bind in which it finds itself because, a year and a half ago, his administration signed an agreement to vacate a hostel by 30th June and did nothing about relocating the people who were there.

**Hon. J J Netto:** Mr Speaker, I am grateful for the guarantee that the Chief Minister gives in relation that this is not an exercise to increase the rent *per se* to existing Moroccans who are living in the current hostels.

165 But if I can ask one further clarification: obviously, Moroccan nationals – I am not talking about the Moroccans who are naturalised, but Moroccan nationals *per se* – they do not have the opportunities like we Gibraltarians have – at least those who live in Government properties – that whenever we become unemployed, we get rent relief to the extent that sources of incomes are taken into account in the formulation that we apply in the Ministry for Housing.



170 Now, my concern, which is the kind of clarification I am trying to seek from the Chief Minister, is that if we were to have a situation in the future, whereby a Moroccan worker, because of the employer he is employed by, he is made redundant, and he happens to be living in these floating vessels, will the Government take into account some form of rent relief just in the same way as we Gibraltarians have a form of rent relief which is applied in Government properties? Will the Chief Minister look into that?

175 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman said ‘Moroccan nationals’ – and I know what he means because that is a constituency he has shown concern for before – it is not just Moroccan nationals but any nationality of worker that happens to be in the hostel: predominantly, I accept they are Moroccan nationals.

180 Mr Speaker, this is a situation that the present Government finds itself in because of something done a year and half ago by the previous administration.

185 I might ask him – rhetorically, because he is not here to answer questions – what was he doing to protect people in that hostel before 8th December who were going to find themselves in this situation? As I cannot ask him the question – because I am here to answer questions and not ask them, I will not – but I will say to him that he can have the confidence that the position as it was in at 8th December, under the regime that he was responsible for, or was part of the administration that had responsibility for it, in respect of nationals of any state who are resident as workers in a Government hostel who become redundant, will continue to be the case. So we will not change it from the position as it was, when he was in Government for 16 years.

190 **Hon. J J Netto:** Mr Speaker, I appreciate that.

195 That was the situation on 8th December, but what I was trying to elaborate was that, in a new situation, in a new environment, where he takes decisions as a Government and, if he outsourced the whole administration of this service, the new private sector company may not have the same attitude as a Government – whether it is his present Government or the previous Government – in relation to matters like rent relief, when a Moroccan or any other non-EU national who is in a hostel...

200 This is what I am trying to get: whether, if the Government wishes, as a matter of policy after them, whether to outsource administration to a private company that the Government, as a Government, will ensure that there is that kind of protection as existed today and before.

205 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman and I are not on a different wavelength, but we have not quite understood each other, and I think I can now see where he is going.

210 Whether it is a private entity that the Government uses in part or in whole to help us to administer these arrangements, if they are entered into after the discussions et cetera, the regime that that entity would apply will be the regime that the Government wishes applied. The regime that the Government will seek to have applied will be the regime exactly as it was as of 8th December 2011, so he can have the comfort that the position will be exactly the same in respect of people who become redundant, as might have been the case when he was in administration.

**Hon. J J Netto:** Okay.

215 **Mr Speaker:** The Hon. Isabel Ellul-Hammond? No?

220 **Community Care payments**  
**Discussion with Moroccan Workers’ Association**

**Clerk:** Question 565, the Hon. J J Netto.

225 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if he has had any request by the Moroccan Workers’ Association to have a meeting with him in order to discuss, amongst other things, the Community Care payments?

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

225 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have met with the Moroccan Workers' Association on at least two occasions since the General Election, the last as recently as 7th June. I have discussed with them many issues.

I have also met on a number of occasions with the Moroccan Community Association. I have also discussed with them many issues.

230 Community Care, Mr Speaker, is an independent charity, registered under the Charities Act. The Government does not have any standing to discuss matters related to Community Care in any authoritative manner.

235 **Hon. J J Netto:** Mr Speaker, of course the Government has not got any standing in relation to Community Care payments, but that does not stop the Chief Minister from standing up in Parliament and actually stating whether he has discussed the issue in this particular case, as he mentioned, the Moroccan Workers' Association, and for him to express a view in Parliament.

So my question to him is whether he has a view on the matter, regardless of the fact whether there is any standing or no standing between the Government and Community Care.

240 **Hon. Chief Minister:** Mr Speaker, this is an issue which is sensitive and I am quite happy to have a conversation with the hon. Gentleman afterwards, if he likes.

245 But the position of the Government, is (a) that the Government is only answerable in Parliament for the things for which the Government is responsible, and the Government is not responsible for Community Care, which is an independent third party charity; (b) Mr Speaker, I think if the Hon. the Leader of the Opposition were here today, he would be urging him to leave it at that because I am not going to be getting up in Parliament to give opinions on who should or should not be receiving Community Care, because it is an independent third party charity.

250 I hope the hon. Gentleman understands why I am giving him the answer I am giving him and why I am quite happy to have a discussion with him later, if he wishes.

**Hon. J J Netto:** Yes, I will take the offer up.

255 **Moroccan workers long-term resident in Gibraltar  
Entitlement to Minimum Income Guarantee**

**Clerk:** Question 566, the Hon. J J Netto.

260 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if his Government intends to provide Moroccan workers who are residents of Gibraltar and who have been working in Gibraltar for the last 25 to 40 years with the Minimum Income Guarantee?

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 567.

270 **Unemployed Moroccan workers in Gibraltar  
Entitlement to Social Assistance Benefit**

**Clerk:** Question 567.

275 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if his Government intends to provide current unemployed Moroccan workers who have lived and worked in Gibraltar for between 25 to 40 years, and other Moroccan workers who may become unemployed in the future, with the Social Assistance Benefit payable by the Department of Social Security?

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman will be delighted to know that the position remains exactly as when he was the Minister responsible.

285 **Hon. J J Netto:** Mr Speaker, that is not the question I am asking for.

It is not a question whether I am delighted or not delighted that the position is now as it was when the GSD was in Government. I am asking the Government whether they intend to allow Moroccan workers who have lived between 25 and 40 years with the Social Assistance Benefit – obviously when they become unemployed – and with the Minimum Income Guarantee, as when they are 60 years of age. That is the question and this is what I am trying to get an answer from the Chief Minister. So I would be grateful if he can address that issue.

290 **Hon. Chief Minister:** Mr Speaker, the position is that we will not be changing the eligibility criteria that he set out when he was a Minister, or that was in place when he was a Minister for many years.

295 I am sure that that will be something that the hon. Gentleman will be happy with – unless he was not happy with the regime that was in place whilst he was a Minister.

**Hon. J J Netto:** Mr Speaker, I think I have understood the Chief Minister to say that he would not change the eligibility criteria. I think he said that.

300 My understanding, from recollection, in regard to the eligibility criteria for the Minimum Income Guarantee, is that it has to be (a) any person who is residing in Gibraltar or who has either a certificate of permanent residence or indefinite residence; or (b) who holds a resident permit which, at the date of issue of the current permit, was valid for a period in excess of one year.

305 Now, if he is telling me that that criteria has not changed, and that criteria remains valid today because nothing has changed, as he has said, it seems to me that Moroccans may be entitled because, nowadays, Moroccan nationals do have a renewable five-year residence permit, which is renewable every five years, despite the fact that they have been here now for 40 years.

So if I am correct, will that mean then that they are eligible to apply for the Minimum Income Guarantee?

310 **Hon. Chief Minister:** Mr Speaker, I am not the person who makes assessment as to who is or is not going to be eligible, but the eligibility criteria that the hon. Gentleman has read out, as I understand it, is the correct one.

315 I am not going to answer his hypothetical case of a Moroccan national who might be entitled, because there may be many other criteria of such a particular Moroccan national which might take him out of other eligibility sub-criteria. But given his understanding and my position as set out before, that the eligibility criteria have not changed, I will let him make up his mind for himself.

I will tell him that there are very few people now who have been here for 25 to 40 years who have not been naturalised. The ones who have not, either have not been in good standing for a particular reason or have not applied to be naturalised.

320 Mr Speaker, I think he can work out for himself what I am saying.

**Hon. J J Netto:** Mr Speaker, generally speaking, what the Chief Minister seems to be saying is that nothing has changed. We are carrying the same policies that were introduced by the GSD Government.

325 Now, they are a party who accused the GSD of being some kind of a right-wing Conservative party. Instead we have a Socialist Party along with a Liberal Party. Does the Chief Minister, as a Socialist, have a view as to whether it is morally correct that unemployed Moroccan workers who have been living probably on average 35 years, some even 40 years... that they should not be entitled to Social Assistance because he can argue that he has a Conservative right-wing thinking, like the GSD has, but he cannot argue that, as a Socialist, he has no moral regard for unemployed Moroccan workers, that they should not be entitled, when they become unemployed, to Social Assistance? Does he have a view, as a Socialist?

330 **Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman understood what I told him.

First of all, I do believe that the hon. Gentlemen are all part of a right-wing Conservative clique. I do not always see them as conspiring, but they are all the right-wing Conservative clique come together under the

335 banner of a party. (*Interjection*)

But they used to say, when they were on these benches, that actually they were the only Socialist Party in Gibraltar, *inter alia* praying in aid the presence of the hon. Gentleman amongst their ranks as evidence of the fact that they were a Socialist Party (*Interjection*) because he had at one stage been a trade unionist.

340 So, Mr Speaker, you see, the position is this: the Minimum Income Guarantee was set up by the hon. Gentlemen when they were in Government. They set out an eligibility criteria. The eligibility criteria is not changing. Our allegation that they are a right-wing Conservative clique has nothing to do with the Minimum Income Guarantee; it has got to do with many other things.

345 But, in this instance, Mr Speaker, if he had worked out what I told him, he would have worked out that in that sort of example – and I am not the one to determine eligibility, because somebody else looks at a particular case and applies the criteria to it – the person would have been entitled to the Minimum Income Guarantee.

So, as a Socialist, which I am very sure I am, Mr Speaker, the person would not be left without an income, because they would be receiving the Minimum Income Guarantee.

350 **Hon. J J Netto:** So has he said that they will be getting the Minimum Income Guarantee? Were those his final words?

**Hon. Chief Minister:** Mr Speaker, I am not in Parliament to assess for him what the hypothetical individual that he proposes is or is not eligible to. I have confirmed to him that the eligibility criteria is as he set out and I have confirmed to him that it has not changed since he was there.

355 What *has* changed, Mr Speaker, is the period of the permits which are granted. Therefore, Mr Speaker, given that the periods are likely to now bring people within the eligibility criteria, the person who determines eligibility (**Hon. J J Netto:** Yes.) will be giving an answer to that hypothetical Moroccan worker which, in my view, is very likely to be in the positive. But there are other sub-criteria which may take a particular individual out of eligibility, whilst allowing it to another – other income etc.

360 So, Mr Speaker, in those circumstances, that hypothetical individual, given only the characteristics that have been put out there by the hon. Gentleman, without addressing the other criteria, would likely be told by the person who *does* assess eligibility that he would be receiving the amounts. Therefore, Mr Speaker, as a Socialist, I have no concern for the hypothetical unemployed Moroccan that the hon. Gentleman has posited in his example.

365 **Hon. J J Netto:** Can I, just for the sake of clarification – I think it is important that when we are talking about criteria or the criteria that I set out, that was a criteria in the context of the Minimum Income Guarantee, but the criteria for the Social Assistance, which is not something which was introduced by the GSD Government – in fact it was introduced by the GSLP Government – is a different kind of criteria.

370 In those criteria for Social Assistance, it makes it very, very clear... well, not just to Moroccans but to any other nationality, if I remember right – certainly from memory, all other non-EU nationalities, but it may even go to the extent of saying, all other, even European, nationalities – so I just want to make it clear to him that, when I was speaking before about criteria, I was talking about criteria of the Minimum Income Guarantee, which was something which was done by the GSD Government, but the criteria for eligibility for Social Assistance was something that was done between 1988 and 1996. There it is very, very clear that, under that criteria, unemployed Moroccan workers would not be entitled to Social Assistance.

375 This is why I am asking the question – obviously, I was trying to separate the two issues, but the Chief Minister has answered the two questions together.

380 Now, given that for Social Assistance, to allow Moroccan workers to get Social Assistance if they become unemployed, the criteria, which is an administrative criteria and not by legislation... it would require a policy decision of the Government. Therefore, can I put it to the Chief Minister, whether he would look at the criteria for Social Assistance, in order to allow what I would call long-term workers, regardless of nationality, who have lived and worked in Gibraltar for considerable periods of time to be entitled to this kind of benefit? Surely he must agree with me that this would be something that he could look into as promoting equality in Gibraltar and fairness – there is no doubt about that. It is a glaring omission as far as inequality and fairness.

385 We are talking about people who have worked probably 35 to 40 years. They have paid the same level of social insurance as we pay, the rest of us in the community, and the same level of taxation that we pay in the rest of the community, but they have not enjoyed those benefits. I am sure, or at least I hope, that the Chief

390 Minister would think in the same way as I do and allow them even to get not just the Minimum Income Guarantee, but the Social Assistance.

**Hon. Chief Minister:** Mr Speaker, I understand the second part of the hon. Gentleman's question is now just about the Social Assistance.

395 Mr Speaker, the hon. Gentleman was in government for 16 years, pretty influential. He was the one that they held up as evidence of the fact that they were socialists, so I would have thought that he had quite a lot of influence in the previous administration. So, Mr Speaker, given that, I am surprised that he is left to put it to the leader of the party that he recognises introduced this system between 1988 and 1996 to now consider amending it in a way that he was not able to collectively convince his colleagues of the right wing conservative coalition that they make up to amend in the time that they were in government.

400 Mr Speaker, I will tell him this, that there are already criteria which would make that sort of individual eligible, in some circumstances, to receive Social Assistance payments.

So, Mr Speaker, what I will answer substantively to his question is that I will consider it, which is what he has asked me to do.

405 **Hon. D A Feetham:** Yes, will the former Liberal, now Leader of the Gibraltar Socialist Labour Party and Leader of the Liberal Socialist Alliance on that side of the House, not agree with me that, in fact, when one talks about the rights of individuals and when one talks about the rights of Moroccans, which is the example that my hon. Friend has asked questions about, we talk about evolution of those rights, and that simply because we may have taken a particular position when we were in government and that they took a position during eight years that they were in government, it does not mean that the position needs to remain static, that either we on this side of the House cannot change our previous policies, nor that they on their side of the House have to follow our lead?

410 Has he got any plans for looking at this and making sure that Moroccans have greater rights in the areas that my hon. Friend has asked him questions about?

415 **Hon. Chief Minister:** Mr Speaker, I wonder whether the former Socialist and then Labourite, and now Social Democrat could not have had the patience to wait (*Interjection*) for the next question to get up to ask something. But, then again, Mr Speaker, impatience is what has put him where he is.

420 Mr Speaker, I would have thought that it would have taken longer than the four hours that Mr Caruana has been absent from this Parliament for the hon. Gentleman to try to distance what he obviously now sees as *his* party (**A Member:** Hear, hear.) (*Applause*) from the 16 years of hard work of his former – his *current*, sorry – leader.

425 Mr Speaker, the hon. Gentleman, Mr Netto, whom I actually have never myself accused, nor do I, because I consider that he is part of that rightwing Conservative coalition, believe has ever been right wing. I believe the Hon. Mr Netto is only and can only ever be described as being left wing... has asked me to consider something and I have told him at the end of my answer that I will.

The hon. Gentleman, perhaps in his impatience, did not hear that and now wants to ask me to consider something which I have said a moment before sitting down I will consider. So there you are, Mr Speaker, I am going to consider it.

430 Therefore, for him to get up and ask me would I have any plans to do something which I have just agreed to consider, is for him to afford me a level of intellectual ability to consider and plan so quickly, which even my worst enemies do not ascribe to me, although he sometimes considers me to have an ability to connive even beyond that which I have.

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#### **Cordoba Agreement Policy re implementation**

440 **Clerk:** Question 568, the Hon. D A Feetham.

**Hon. D A Feetham:** Yes. Will the Chief Minister state what is his Government's policy in relation to those aspects of the Cordoba Agreement which remain to be implemented?

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman has referred to press release 110/2006 of the GSLP Liberal parties, which sets out the position of the parties now in Government. I also refer the hon. Gentleman to the third paragraph of page 15 of the GSLP Liberal manifesto.

450 **Hon. D A Feetham:** I think that is, with respect to the hon. Gentleman, a totally unacceptable answer on something as important as this. I do not want to have a spat with the hon. Gentleman so early in questions, or at all; all I want is to elicit information and for the hon. Gentleman to answer that in a way that does not demean this Parliament.

455 Now, could he please state, for the benefit of all those listening, what his Government's policy is in relation to those aspects of the Cordoba Agreement that remain unimplemented, please?

460 **Hon. Chief Minister:** Mr Speaker, yes. I do not know why it is that a two-sentence answer to a one-sentence question is considered demeaning, but Mr Speaker, my policy is as set out in press release 110/2006, which sets out the position of the parties now in government and is more particularly set out on page 15, third paragraph of the GSLP Liberal manifesto.

465 **Hon. D A Feetham:** Let me ask some more specific questions, given that he is referring to a 2006 press release, which I think is absolutely outrageous as an answer to a question, a quite legitimate question, by me in this House.

What is the party opposite's policy in relation to the Schengen arrangements, as set out in the Cordoba Agreement – in particular, obviously, the advance Schengen entrance and the deferred Schengen exit control?

470 **Hon. Chief Minister:** Mr Speaker, I know that for him it is outrageous that somebody should continue to hold, in 2012, the same views that they held in 2006 because, for him, views are things which are obviously fluid enough that he can go from one party to another without any concern.

Mr Speaker, our position on those issues is exactly as set out in that press statement, which specifically addressed those issues.

475 **Hon. D A Feetham:** He obviously seems to be concerned with providing me with the actual answer in this House. I do not know why.

Is the position this: that the party opposite will not abide by those parts of the Cordoba Agreement relating to the Schengen arrangements? Is that the position?

480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman thinks I am not providing him with the answer in this House. It must be that he does not think he is in this House to ask the question and I am not in this House when I am giving the answer. I am in this House, giving him the answer, which is that the position is not as he sets out, necessarily; it is as set out in the press release.

485 I am quite happy for him to say that he wants to read the press release and ask me more questions about it next time, if he wishes. The position is very clearly set out in our press release of 2006. We are consistent in our policy position and, Mr Speaker, if the hon. Gentleman needs to refresh his memory, it is fair enough, he can go and check it if he likes. I am quite happy to recess for five minutes, if he wants.

490 **Hon. D A Feetham:** Mr Speaker, on a point of order – and again, I am trying to keep temperatures to a reasonable level in this House – I am not here to ask questions on a press release. I am here to ask questions on Government policy.

495 It is not right for this Government, or for the Chief Minister, to refer me to a press release that was made public in 2006. It simply is not. It is a derogation of the Government's duty to this Parliament and to the people of Gibraltar for the hon. Member to respond in that particular way and, given that the hon. Member was swept to power by 350 votes on arguments about transparency and more democratic accountability, I do think it is outrageous that the hon. Gentleman should give me the answer that he gives me.

**Hon. Chief Minister:** Mr Speaker, in answering that point of order, I would say this: the hon. Gentleman is not entitled, under the rules of the House, to ask questions about things that are public, but has asked us

500 what the Government policy is, and he might not have known that our policy was as set out in our Opposition statement.

505 What I have confirmed to him, Mr Speaker, in this House, so that he has the benefit of it, is that the Government's policy is as set out in the statement that we provided in 2006. Mr Speaker, the hon. Gentleman can now go and read the policy statement of 2006 and he will have an answer. It is not a derogation, Mr Speaker, to stand up in this House and refer somebody to a document that contains the policy very clearly and very explicitly set out.

I would say two more things, Mr Speaker. First of all, transparency and accountability is not about being forced at the whim of an Opposition Member to read out one's press releases because he wants you to read them out to him –

510 **Hon. D A Feetham:** I didn't ask you to read them!

**Hon. Chief Minister:** – because he decides that that is what today transparency and accountability means to him.

515 Second, Mr Speaker, thank you very much for having recognised that we were swept to power on 8th December 2011 (*Interjection*) because, at the last session, his previous... his *current* leader, sorry, said that we had just 'inched' our way in, but I prefer the description that he has very kindly now afforded us.

520 **Mr Speaker:** Unlike a court of law, the Speaker has no power to judge the quality of an answer given. The Speaker can judge the quality of the questions put, but not the answers given.

As long as the answers given comply with the practices and procedures, the Speaker has to accept the answer. The answer given by the Hon. the Chief Minister on three occasions to three different questions refers the questioner to two public documents. If that is his answer, that is his answer.

525 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister think that Spain's non-compliance with part of – because there are obligations on the Spanish side that have not been complied with on certain aspects of the Cordoba Agreement – does he think that is a good thing or a bad thing for Gibraltar?

530 **Hon. Chief Minister:** Mr Speaker, there are aspects of the Cordoba Agreement that Spain has not yet complied with.

Mr Speaker, one would expect that parties who sign up to international agreements comply with the obligations which are extant on them under those international agreements, or go back and discuss with the parties who are signatories to those agreements why they do not wish to comply and try to renegotiate those parts of the agreement that one does not wish to comply with. One should not simply not comply with agreements.

535 That is the position of the Government and I am sure that he will want to agree with that.

540 **Mr Speaker:** Before the hon. Member asks, may I just correct terminology on my part in my earlier ruling. I referred to two public documents, but they are not strictly public documents; they are documents in the public domain. A press release by any political party nor a manifesto is not a public document as such, but documents in the public domain. I just stand corrected.

**Hon. Chief Minister:** They are both, Mr Speaker, as you know, available on our websites and very easily accessed.

545 **Mr Speaker:** Yes, but they are not public documents as issued by the Government as such; they are documents in the public domain.

The Hon. Daniel Feetham.

550 **Hon. D A Feetham:** I will come back to the point that I was making before but on another question.

So, is it the Government's policy that, from now on, Members of the Opposition ought to look at the GSLP website, and if the information is on the GSLP website they will not answer any questions on Government policy? Is that the position?

555 **Hon. Chief Minister:** No, Mr Speaker. I know that the hon. Gentleman, when things are not convenient to him, would like to change reality.

560 The reality has been, for the past 30 or 40 years in this House, that if information is publicly available one is not entitled to ask about it. But, of course, Mr Speaker, the hon. Gentleman's question was what was the Government's policy, and he was entitled to ask about that because the Government had not made a policy statement on these issues, so I have told him that the Government's policy is as set out in the press release. That is why I have referred him to the press release. I know that he might tremble at the thought of having to click on *gslp.gi* – but look, it's not so bad!

**Hon. D A Feetham:** Yes, the internet surfer; he is more attune with internet surfing than I am.

565 He said before that countries must comply with their international obligations, when I asked him about whether he thought Spain's non-compliance was a good thing or a bad thing. If Spain were to comply with their side of the Cordoba Agreement, would a GSLP Government comply with our side, which are contingent on their compliance?

570 **Hon. Chief Minister:** Mr Speaker, I did not say that Governments had to comply with their obligations; I said that Governments had to comply with their obligations or go back to the parties with whom they had signed agreements and attempt to renegotiate those parts with which they were not comfortable, but that parties should not be able to simply not comply with their obligations.

575 Mr Speaker, in case he wants to look it up, this is the concept of *pacta sunt servanda* under public international law.

The question that he poses, Mr Speaker, nonetheless, is hypothetical and, under the Standing Orders of this House, I am not required to answer hypothetical questions.

580 **Hon. D A Feetham:** So is he happy with the position that if Spain were to comply with those parts of the Cordoba Agreement that it needs to comply with, the only party that would be non-compliant would be his own GSLP Government, bearing in mind that, of course, it does not seem likely that the tripartite talks will be revived and that the hon. Member will be able to go back and renegotiate the Cordoba Agreement?

585 **Hon. Chief Minister:** Mr Speaker, now the hon. Member is going from hypothetical question to hypothetical assumption, something which I am also, I think, not required to deal with, because it all deals with hypotheses.

Mr Speaker, I will tell him this: I thought tonight he was holding brief for the Leader of the Opposition, not for the Minister of Foreign Affairs of Spain. I am starting to get confused!

590 **Hon. D A Feetham:** The hon. Gentleman does not need to give me or my party any lessons in defending the interests of Gibraltar. Let me remind the hon. Gentleman that it was the Leader of the Opposition who actually very successfully stood toe to toe against both the United Kingdom Government and the Spanish Government on the Joint Sovereignty Agreement.

595 Let me remind the hon. Gentleman that it was *this* party, not *that* party, that introduced the new Constitution to Gibraltar, a Constitution that the hon. Member now says provides the people of Gibraltar with the maximum level of self-government short of independence.

Let me remind the hon. Member that it was *this* party that managed to obtain undertakings from the United Kingdom Government that it would not enter into a process, let alone any agreement, in relation to Gibraltar with which the Government of Gibraltar is not content.

600 Is it not the case that the hon. Member has a problem with the Cordoba Agreement because, in 2006-07, the hon. Members opposite essentially told the people of Gibraltar that they were not going to be abiding by the Schengen arrangements, amongst others – the others were the Permanent Joint Liaison Committee and I think there was something else that they were not going to be complying with in relation to the Cordoba Agreement – and that the reality of the situation is that that is not beneficial for Gibraltar to have a situation where a Government of Gibraltar unilaterally turns round and says, 'We are not complying with this international agreement that has been reached between the Government of Gibraltar, the United Kingdom Government and the Kingdom of Spain,' and that it is just another example of the philosophy underpinning the party opposite, or the parties opposite, which is confrontation rather than seeking normality in relations between ourselves and our neighbours, and the proverbial sticking two fingers up at Spain rather than finding

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sensible solutions and sensible agreements that benefit both sides of the frontier.

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**Hon. Chief Minister:** Mr Speaker, I forget which party the hon. Gentleman was in in 2007, but it is a matter of historical record so I am sure I can check.

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Mr Speaker, the policy of the Government is not to capitulate when Gibraltar is put under pressure. Let me remind the hon. Gentleman that it was the Hon. the Leader of the Opposition who has the distinction of being the only politician in Gibraltar's history to have told a Spanish audience that he would consider recommending to the people of Gibraltar in referendum an Andorra-style solution.

**Hon. N F Costa:** Shame! Shame!

620

**Hon. Chief Minister:** Rent-a-mob!

Let me remind the hon. Gentleman, Mr Speaker, that the memoirs of a Minister for Europe recently published suggest that similar suggestions were made to him at the time, in 2001, before the joint sovereignty proposals were concocted, and that, therefore, those might have been the very kernel of the proposals that the hon. Gentleman now tells us the Leader of the Opposition went toe to toe with the United Kingdom and Spain on and won.

625

Let me remind the hon. Gentleman, Mr Speaker, that I thanked Albert Poggio, in answer to the first question I was asked today, for the immense gratitude that the people of Gibraltar owe him, advisedly, about how *he* helped to ensure that we defeated the joint sovereignty proposals.

630

Let me remind the hon. Gentleman, Mr Speaker, that there is nothing better, when one is Chief Minister – as the now Leader of the Opposition, then Chief Minister, had in the Hon. the Minister for Employment – to have a Minister or a Leader of the Opposition who was so staunch and so clear on the fundamentals that one could go to the United Kingdom and clearly say, 'Well, look, guys, I'd do it, but Bossano won't wear it,' and that that was the happy situation in which the hon. Gentleman took on 'the United Kingdom and Spain' for having given life to the Andorra-style solution that he might have proposed to Peter Hain.

635

Mr Speaker, let me remind the hon. Gentleman that it is not his party that selected the Constitution or imposed the Constitution or brought the Constitution, but it was the people of Gibraltar who selected that Constitution in the referendum.

640

Let me remind, Mr Speaker, the hon. Gentleman, although he does not like to hear it, that what I said at the United Nations is not what he says I said. I asked the Committee to tell us whether or not they believed that this Constitution delivered the maximum possible level of self-government to the people of Gibraltar, and if it did not, to tell us why it did not.

So, Mr Speaker, it is all with the hon. Gentleman – 'let me remind, let me remind, let me remind' – but he does not like to be reminded himself.

645

It is all with the hon. Gentleman, Mr Speaker, how staunch a defender of the interests of Gibraltar the Hon. the Leader of the Opposition is today because he comes to praise him, allegedly, not to bury him; but in previous years he might have said the opposite.

Let me remind the hon. Gentleman, Mr Speaker, that I am not here to answer hypothetical questions, so all the ifs and all the buts that he puts lead to a question which does not require an answer in this House.

650

Let me suggest to the hon. Gentleman that he consider two things. Is he saying that the people of Gibraltar, apart from having built a terminal that has cost us about €83 million, should also build *el voladiso* in Spain? And is he saying, Mr Speaker, that he is one of those Gibraltarians who will be delighted to show his passport to a Spanish Civil Guard once he is in Gibraltar in order to get the permission of the Spanish Civil Guard to continue to walk along his homeland? But, then again, *he* is not here to answer questions, thank God. *I* am here to answer them; *he* is here to ask them.

655

**Hon. D A Feetham:** Yes, the hon. Gentleman questions what party I was in in 2007. Well, I suppose that, not long ago, being a member of the GSLP and being Leader of the GSLP was but a twinkle in his ambitious Liberal eye because, of course, he started off being a member of the Liberal Party.

660

I wanted to avoid these type of exchanges with the hon. Member, because I wanted to concentrate just simply on the issues, but it is very difficult with the hon. Member because he continuously degrades the quality of the debate in this House by constantly personalising the debate and constantly referring to the political past of Members on this side of the House.

Let me read to him an interview that he gave with a mutual friend of ours, Dominic Searle from the

665 *Gibraltar Chronicle (Interjection)* and I quote:

‘We are condemned, if we choose the GSLP, to confrontation with Spain.’

It is a question that he was asked.

670 ‘Of course, nothing could be further from the truth. I also think that we need to be diplomatic in the way that we deal with our neighbours and that banging the drum does not unnecessarily assist us to progress in our relationship with them.’

675 Does the Chief Minister think that, in the first seven months of *his* Government, he has not condemned us to confrontation with Spain, that he has not been undiplomatic and that he has involved himself in a great deal of banging of the nationalistic drum, and does he think that that is to the benefit of Gibraltar?

680 **Hon. Chief Minister:** Mr Speaker, I am relaxed about how history is going to judge these debates and, therefore, the person who one day reads *Hansard* – I know he and I probably read it, but then again, we don’t matter – will see that all the suggestions and innuendos about who was in what party when, all of that came first this afternoon from the benches of the Opposition. (**A Member:** Oh!)

So, Mr Speaker, with that relaxed view of what history will determine about whether or not it is I or anybody else who degrades the quality of debate in this House, let me answer the hon. Gentleman by telling him that I am very satisfied with the way that this Government has dealt with all matters since it was elected on 8th December, in particular our relationship with Spain.

685 But, Mr Speaker, I recognise, from what he is telling me, that it appears that he would have taken a different attitude to somebody saying ‘*Gibraltar español!*’ Mr Speaker, maybe he might have said, ‘Okay’; not me, Mr Speaker.

It may be that he might have taken a different attitude to that same person saying, ‘*El chiste ya se acabó*’ – the joke is over. He might have said, ‘Okay’; I say, ‘The joke’s on you, mate.’

690 If that is banging the nationalistic drum, if defending my country and my people is banging the nationalistic drum, well, Mr Speaker, he and I have very different interpretations of what banging the nationalistic drum is.

I do not believe that we are condemned to anything other than to success under this Government, both in our relationships with Spain and with the many other kingdoms and republics around the world, in particular, Mr Speaker, our best friend in the world, the United Kingdom.

700 **British Gibraltar territorial waters  
Incursions by Guardia Civil**

**Clerk:** Question 569, the Hon. D A Feetham.

705 **Hon. D A Feetham:** Would the Chief Minister please state how many incursions have occurred into British Gibraltar territorial waters by the Guardia Civil each year since the Nature Protection Act was introduced in 1991, excluding innocent passage, on a year-by-year basis?

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

710 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question together with Questions 570 to 573.

715 **Royal Gibraltar Police  
Enforcement of Nature Protection Act**

**Clerk:** Question 570.

720 **Hon. D A Feetham:** Can the Chief Minister confirm that his Government has not, whether directly or indirectly, or in any way, urged or suggested to the RGP that it enforce the Nature Protection Act in any particular way and that neither is he, in his capacity as Chief Minister, aware of any such suggestion to the RGP from the Convent?

725

**British Gibraltar territorial waters  
RGP actions re Spanish fishermen**

730 **Clerk:** Question 571.

**Hon. D A Feetham:** Will the Chief Minister please state how many warnings, reports for process and arrests have been made or issued by the RGP, on a yearly basis, in relation to Spanish fishermen's activity in British Gibraltar territorial waters since the Nature Protection Act was introduced in 1991?

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**British Gibraltar territorial waters  
Arrest warrants issued to Spanish fishermen**

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**Clerk:** Question 572.

**Hon. D A Feetham:** Will the Chief Minister please state how many arrest warrants have been issued on a yearly basis against Spanish fishermen for illegal fishing in British Gibraltar territorial waters since the Nature Protection Act was introduced in 1991?

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**Government announcements  
Facebook**

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**Clerk:** Question 573.

**Hon. D A Feetham:** Will the Chief Minister accept that important announcements such as the tearing up of the 1999 Fishing Agreement should be made in this Parliament and not on Facebook?

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, in relation to Questions 569 and 571, I now hand the hon. Member a schedule with the information requested.

760

**ANSWER TO QUESTION 569**

Guardia Civil incursions into British Gibraltar Territorial Waters:

2002 - 5 recorded incursions  
2003 - 7 recorded incursions .  
2004 - 8 recorded incursions .  
2005 - 3 recorded incursions.  
2006 - 1 recorded incursions.  
2007 - 5 recorded incursions.  
2008 - 4 recorded incursions.  
2009 - 0 recorded incursions.  
2010 - 82 recorded incursions  
2011 - 280 recorded incursions  
2012 up to the 15 June 2012 – 161 recorded incursions

**Answer to Question 571**

2008/9 no warnings, report for processes or arrests were made.  
2009/10 One Spanish National was arrested for fishing whilst using breathing apparatus at Rosia Bay and for being in possession of two illegal nets.  
2010/11 Two hundred and four Spanish Nationals were reported for process for fishing from the beach and all persons were cautioned for the offences.  
2011/12 Forty six Spanish Nationals were reported for process for fishing from the beach and all persons were cautioned for the offences.  
1 April to 19 June 2012 fifteen Spanish Nationals were reported for process. Twelve of these persons were reported for process for fishing from the beach and all persons were cautioned for the offences. Three fishermen were reported for process for using illegal nets and are currently being judicially processed.  
The above statistical data is for the period 1 April to 31 March.

In addition, the following fishing "incursions" have been recorded by the RGP since 2004 and were reported to the Cofradia by No. 6 in accordance with the fishing agreement between the Govt of Gibraltar and the Spanish Fishing Cofradia. In this context, when the data was recorded, an "incursion" was an "incursion" in breach of the 1999 agreement. There are no records of data available prior to 2004.

In 2004, 114 fishing incursions were recorded.  
In 2005, 228 fishing incursions were recorded.  
In 2006, 122 fishing incursions were recorded.  
In 2007, 105 fishing incursions were recorded.  
In 2008, 75 fishing incursions were recorded.  
In 2009, 33 fishing incursions were recorded.  
In 2010, 9 fishing incursions were recorded.  
In 2011, 12 fishing incursions were recorded.

I must tell him, Mr Speaker, that Spanish fishermen in British Gibraltar territorial waters – it is important that he remember this – has been interpreted to include individuals of Spanish nationality in Gibraltar fishing from Gibraltar, either from the beach or elsewhere.

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In relation to Question 570, Mr Speaker, I can confirm that the Government has not directly or indirectly, or in any way, urged or suggested to the RGP that it enforce the Nature Protection Act in any particular way, and I can confirm that I am not aware, in my capacity as Chief Minister or otherwise, of any such suggestion to the RGP from what the hon. Gentleman generically calls 'the Convent'.

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In answer to Question 572, Mr Speaker, I can confirm that no warrants of arrest have been issued against Spanish fishermen for illegal fishing in British Gibraltar territorial waters.

In answer to Question 573, Mr Speaker, no announcement as to the 1999 Fishing Agreement was made on Facebook. The premise of the question is therefore flawed.

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**Hon. D A Feetham:** I note that the figures do not go further back than 2002. Is that because the figures are not available pre-2002 because, in actual fact, I think, from recollection, from my time as Minister for Justice, I think I have seen figures pre-2002.

**Hon. Chief Minister:** Mr Speaker, I have asked for all the figures available and, as he can imagine, it is

780 an issue as much of interest to the Government as it is to him. I am told that this is what is available.  
If more information is brought to me – and I understand that in the time available what I have been given is what is available in data form; it may be that it is possible to extrapolate for earlier years what data is available into a manageable form – then I am quite happy to share it with him in the next few days because, if it is going to become available, it is going to become available very shortly.

785 But this is what I have been given as being available. I would not want the House not to have this information. I think it is important information and it helps us to consider the debate. He should, of course, know – if he is talking about 569 – he should know that I have sought from a number of sources that information, not just, for example, from the Port Department but also from the RGP and other sources.

790 In relation to 571, Mr Speaker, the information there relates to breaches of the 1999 agreement, as it was interpreted at that time and that if something was in keeping with the 1999 agreement it would not have been recorded as an incursion.

**Hon. D A Feetham:** Could he repeat for my benefit the answer to the question about Facebook, please. I was going through the schedule and I did not quite catch that.

795 **Hon. Chief Minister:** Of course, Mr Speaker.

No announcement as to the 1999 Fishing Agreement was made on Facebook. The premise of the question is therefore flawed.

800 **Hon. D A Feetham:** Does he agree that the first time that any Government Minister announced or spoke publicly about whether the Government would be adhering to the 1999 Agreement since the General Election was on 11th March, when the Hon. the Minister for Health, Mr Cortes, answered questions from Mr Kaelan Joyce on Facebook. Does he accept that?

805 **Hon. Chief Minister:** Mr Speaker, that may very well be the case but that is not to make an announcement.

810 **Hon. D A Feetham:** Does he accept there is a distinction between a manifesto commitment and the actual announcement of the Government having complied with the manifesto commitment? I note, for example, that the Deputy Chief Minister is phenomenally fond of coming out with a press release listing the many manifesto commitments that they have complied with.

Does he not accept that there is that distinction?

815 **Hon. Chief Minister:** Mr Speaker, I am here for information to be elicited on behalf of the Government not to give opinions about distinctions between announcements and when something is in a press release.

You see, Mr Speaker, our position has been, and is, that we stick to our manifesto. That is what our policies are and I have set out on a number of occasions that this policy is set out in our manifesto, so anyone who knows us knows that our manifesto are our policies. We do not change our policies the day after the Election, as some might.

820 So, Mr Speaker, I think the position was very clear to everyone.

**Hon. D A Feetham:** With respect to the hon. Gentleman, look, the Government is constantly boasting about its manifesto commitments that it has been complying with and every single time the hon. Gentleman, Mr Garcia, issues a press release that seems to be a ticking of a box, that is one more manifesto commitment.

825 Now, does he not accept that, in relation to something as important as the 1999 Agreement, there was at least an obligation on the Government to make some kind of announcement, preferably in this House that, from this day on, the Government is not abiding, or has directed that no one abides, by the 1999 Agreement. Doesn't he agree with me about that?

830 **Hon. Chief Minister:** Mr Speaker, I do not accept that what he calls the 'tearing up' of the 1999 Agreement is something of the importance that he tries to give it today in this House for his self-serving purposes because although, of course, that was a very important plank of policy on which we were elected, which was clearly set out in our manifesto, it was so clearly set out in our manifesto that unless the hon. Gentleman is saying that I should have asked the town crier to take our manifesto on 9th December, stand at

835 the Piazza and make and read it out in the form of an announcement... well, Mr Speaker, that is our manifesto, those are our policies.

But, look, I have told the Hon. the Leader of the Opposition in this House and he was here, so he must have heard it, but I know that he wants to have the debate *himself* on the issue now that Mr Caruana is not here. I have told him that my view, and any independent third party legal observers' view' would be that (a) 840 that was not an agreement and (b) it was void *ab initio* because it offended the constitution and the rule of law.

**Hon. D A Feetham:** I am not here to defend the 1999 Agreement or debate the 1999 Agreement. We had a debate about that.

845 We are actually looking at the process that led us into the mess that we are in *now*. That is what I am asking questions about.

Now, let me just take the hon. Gentleman through the chronology. The hon. Gentleman opposite got elected, got elected... (*Interjection by the Chief Minister*). I will ask him a question, I'll ask him... he seems to be unduly angry today and it really does not suit him to be angry. He is actually much more effective when he is his jokey self. Let me just give him that advice. (**Hon. Chief Minister:** He is much more effective when he is quiet!). Alright, but you have to listen to me and you have to answer my questions. Let me take you 850 through the chronology and I will then ask you the question.

The hon. Gentleman opposite got elected into Government on 8th December. Nothing happens in terms of the way the police enforce the Nature Protection Act, absolutely nothing, until Mr Kaelan Joyce, on 11th March asks Mr Cortes, 'Look here, nothing has happened about this. The police continue to enforce the 1999 Agreement in exactly the same way as prior to the General Election. What is going on?' The hon. Gentleman, 855 Mr Cortes, says 'No, no, no, we have directed the police to do *x y* and *z*' – and all hell breaks loose.

Now can the hon. Gentleman tell me what was different from Election time to when Mr Cortes made his comments on Facebook. What was different, or what was done differently by this Government that was occurring or what was being done differently in Gibraltar than what was being done prior to the General Election? 860

**Hon. Chief Minister:** Mr Speaker, I am not going to fall into the hon. Gentleman's web because I am not going to base my answer on the false chronology that he has set out.

865 First of all, there is no 'mess', there is not 'all hell breaking loose' although, clearly, the hon. Gentleman's premise is to try and prove that the answer I gave our mutual friend Mr Searle is contrary to what is happening and therefore he needs to build up, at whatever possible loss or damage to Gibraltar there may be, that it is the Government of Gibraltar that is somehow to blame for what is happening at sea.

Mr Speaker, first of all, anybody who has been observing British-Gibraltar territorial waters for the past 14 days would not describe what is happening there as a 'mess' or as 'all hell breaking loose'. Second, Mr Speaker, the hon. Gentleman obviously does not like my interventions in the Spanish media but clearly follows them. He will know, Mr Speaker, that when I appeared on a television programme late in the evening on a Saturday from the north of Gibraltar, an intervention which he described as not statesmanly because his definition of statesmanly is the only one that matters in his world – so be it. What was said on that programme was that Gibraltar was divided on the issue because *they* – the GSD, Mr Caruana in particular – had brought 870 the Fishing Agreement to the House and were defending it. Today he says he is not defending the Fishing Agreement. (*Interjection*) Well, Mr Speaker, he might like to know that the Spanish media do not take that approach – the mere fact that he is asking these questions is being referred to in the Spanish media as him and his party continuing, as they had set out to do last time, to defend the 1999 Agreement in this Parliament.

Well, Mr Speaker, so be it. That is what they are elected for. They are elected to defend in this Parliament 880 the things which they believe are right and if they did an agreement in 1999 as a Government, although he then, although he does not like to be reminded, was a member of *this* party not of *that* party, but they did an agreement in 1999. Well, look Mr Speaker, so be it. Let them defend it, but let them at least have the political integrity to say that they are defending it.

885 And, Mr Speaker, if Gibraltar is divided on the subject because *they* are taking the same line as Señor Landaluce and as the Palacio de Santa Cruz and as Mr Margallo, (**Members:** Oh!) look, so be it, Mr Speaker. Spain...

It is a shame indeed, Mr Speaker, but so be it. It is a shame that Gibraltar is divided but they are the ones dividing and so be it!

890 But, look, Mr Speaker, Spain is divided on the trilateral because the *Partido Socialista Obrero Español* – the PSOE – presently the Opposition, in many instances continues to defend the trilateral and says only that it was suspended because the now Leader of the Opposition, then Chief Minister, wished to bring sovereignty into the discussions. Mr Speaker, our position on that is well known, and I am not going to repeat it here because, if I repeat that, why should I not repeat our press release of 2006?

895 I do not recognise *any* of what the hon. Gentleman wants to set up as the hypothesis into which he draws me for an answer, which will give him the self-serving result that he is seeking. For us the position is so naturally and intuitively clear that we have made the position known, in Gibraltar in this Parliament, in Gibraltar in our manifesto, in Gibraltar in press releases, in Gibraltar in Facebook, in Gibraltar in face-to-face contacts with people that we meet and explain our policies to; and, internationally, as well.

900 We do not mind defending the position that we have taken, that the 1999 Agreement is void *ab initio*, that it is contrary to the rule of law and contrary to the Constitution. Why doesn't he want to get up and say that he is defending the 1999 Agreement? Let him have the courage of his convictions and say to this House that he sides with Margallo and Landaluce and Arias Cañete, and everybody else – there is no shame in that. If you believe it, you believe it!

905 **Hon. D A Feetham:** Mr Speaker, he really has learned well at the feet of the master, Mr Bossano, because he really does not give me a straight answer to a question. (*Interjection by the Chief Minister*)

910 But, Mr Speaker, he knows as well as I that, in 1999, I was not a member of the party opposite and I was *not even in Gibraltar*. But let me tell you – because I was in the UK, as he often is very fond of actually pointing out – let me tell you one thing, that if, in 1999, I had considered the terms of the 1999 Agreement and if I were to be intellectually honest with myself, I would have come to the conclusion that the principles underpinning the 1999 Agreement were good for Gibraltar. And they were good for Gibraltar not least because, in fact, they were the same principles underpinning enforcement of the 1991 Nature Protection Act from 1991 to 1995 or 1997, five of whose years Mr Bossano was Chief Minister of Gibraltar; and, of course, as a good socialist, I would have supported, actually, yes – the principles underpinning the 1999 Agreement are good for Gibraltar because it is simply a re-statement of what was happening when Mr Bossano was Chief Minister of Gibraltar.

915 He says that I criticise him for being unstatesman, well look, I criticised him for being unstatesman for criticising Mr Caruana on a Spanish programme, that he has done twice, without Mr Caruana being there, and I tell him again in this House to his face that that is unstatesmanlike and it is not about – I can defend the 1999 Agreement but we have already *had* a debate about the 1999 Agreement – but let me tell him this, that I do not say that the 1999 Agreement, and the Leader of the Opposition does not say, that the 1999 Agreement was the only way that you could skin this particular cat. No, that is not what we are saying. We would not have resiled from the 1999 Agreement because we would not have touched something that was not broken. But there are other ways that he could have dealt with the problem, but what you do not do is make an announcement on Facebook! What you certainly do not do is not give any kind of advance notice to the people that had been affected by this. Now let me ask him this – did he actually talk to the mayors of La Linea or Algeciras, or the fishermen, or did he, more importantly, communicate to the Convent so that the Convent could communicate, or to the United Kingdom Government, so that the United Kingdom Government could communicate to the Spanish Government that *your* Government was, from a particular date, not going to be abiding by the 1999 Agreement. Now, did he do that?

920 **Hon. Chief Minister:** Mr Speaker, I did not know that the hon. Gentleman had, as his main constituency of support, Spanish fishermen. Alright, well let me try and answer the many points that the hon. Gentleman has made in the lead-up to his question, as follows: Did I communicate to the Convent etc, etc?

935 Mr Speaker, I believe and I have a lot of respect for the people who make up what the hon. Gentleman generically calls 'the Convent': not enough of them, because I think if there were more of them here it would be even easier to interact with a Government as open and transparent as ours is... I have a lot of respect for them and, therefore, I believe that they will have read our manifesto. Therefore, they will have had communicated to them not just that but so many of the other things that were going to happen on the new dawn of 9th December. They certainly were ready for so many of the other things that we were ready to do on that day.

940 **A Member:** So?

945 **Hon. Chief Minister:** Mr Speaker, I believe that I communicated with the Convent by way of the manifesto. That, and so much else, and everybody else who read the manifesto can understand Mr Speaker that our manifesto, excellent document that it is, leading manifesto ever to have been presented to the people of Gibraltar that it is, has been read far and wide, well beyond the frontiers of Gibraltar.

950 Mr Speaker, I have just bought – and I do not usually share my purchasing foibles with all Members of the Parliament – but I have just bought – and it has been an ambition of mine for many years – the 20 volume Oxford Dictionary, and I bought it Mr Speaker just before Oxford University Press decided that they were never going to print it again. This is the last edition: from now on they will only be available on CD-rom. I will allow the hon. Gentleman to come to my office to peruse the definition of ‘announcement’, if he wishes. It does not mean what the hon. Gentleman would like it to mean for the purpose of this question.

955 When you repeat something, you are not announcing it Mr Speaker. So, is it, Mr Speaker, that the hon. Gentleman does not just introduce us to a new constituency that is relevant and has to be consulted in Gibraltar when the Government of Gibraltar determines what it is going to do with Spanish fishermen. Is it that he is introducing us to a new concept of Damascene conversion: you see, a Damascene conversion usually happens in the future. One has a Damascene conversion as one goes forward, but the hon. Gentleman is now telling us that he *would have had* a Damascene conversion (*Laughter*) if he *had* read the 1999 Agreement at the time. An Agreement which the party of which he was then a member – unless he allowed his membership to lapse when he was in the United Kingdom, but he came back to form part of its Executive as if he had been a member throughout – was then totally against, and the party which is he is *now* a member, was totally in favour of.

960 Is he telling us that this historic Damascene conversion, or Damascene conversion in reverse, would have meant that if he could make a quantum leap he would have made the political leap four years before he did. It is a fascinating concept, Mr Speaker. There are better theologians among us than me, who might want to consider it in careful detail, but what really, Mr Speaker, is worthy of analysis is the fact that anybody who *is* intellectually honest, and has, not just first year legal training, A level legal training – I do not know whether they do GCSEs, Mr Speaker, GCSE legal training – would know from a cursory perusal of the 1999 Agreement that it is an ‘agreement’ in inverted commas, because it is not signed by anyone, it is a statement by a particular government. It is clearly a document, a policy, that the law of Gibraltar should be broken, by a certain class of people, at a certain time, in a certain place, in a particular way, by the use of nets more than 225 metres from the shore after that date in 1999.

965 Mr Speaker, that is to drive a coach and horses through the concept of the rule of law. It is to drive a coach and horses through constitutionality and, Speaker, the thing I find most troubling is that (a) he who took an oath for four years not just like I have taken in all the time that I have been in this House, but like only three people have taken – the Hon. the now Leader of the Opposition, himself and the Hon. Mr Licudi, not just to demean ourselves for Queen and country but actually to uphold the rule of law, an oath beyond the oath that normal parliamentarians take, should be defending not just *today* the 1999 Agreement, but say that he would have defended it *back in 1999*, that is, Mr Speaker, difficult, if not impossible, for me to reconcile with what is my reality. But the hon. Gentleman may have another reality, and he might want to explain it to us, but perhaps somewhere else, Mr Speaker, because here he is to ask questions and not to explain reality.

970 And (b), Mr Speaker, the other thing that I find difficult to comprehend, and I consider dangerous is that anybody who has *glanced* at the United Nations Convention on the Law of the Sea, who has looked both at the Montego Bay version and the 1958 version, who understands customary international law and how it applies to the seas around any territory, not even necessarily anything other than a territory, will know that, from time immemorial, the territorial waters around the shoreline were three miles, based on the cannon-shot rule, and this 1999 Agreement, beyond being a breach of the rule of law, beyond being unconstitutional, actually creates a regime that might be interpreted by our enemies falsely – let me put down that marker – falsely, even though they allowed it to happen for the twelve years they were in Government since it was signed, and I say falsely, Mr Speaker, in the interests of Gibraltar because it is important that I say falsely, in the interests of Gibraltar, but not because of anything they did, that the territorial ambit of Gibraltar law extended only to 225 metres from our shores.

985 The danger for Gibraltar in respect of the international legal position and the protection of British-Gibraltar territorial waters, our jurisdiction and control over them, the habitat issue on the East side, and the whole jurisprudence which we defend, and have defended, and every Chief Minister in the history of Gibraltar since the 1960’s when this issue became live, has defended, is clearly imperilled by that. (*Applause*)



1000 **Hon. D A Feetham:** Mr Speaker, if it were somebody on this side of the House that sought to re-open the debate that we had a month ago we would have been brought to order because the reality is that I have asked different types of questions and the hon. Member is seeking to have a debate on the 1999 Agreement.

I do not mind having a debate on the 1999 Agreement but we have had it a month ago, but I am certainly not going to allow the hon. Member, whatever his platitudes and his speeches, off the hook in relation to how we have got into this mess in the first place. Now, does he not accept that, looking back in retrospect, this issue of the 1999 Agreement and how one tears up the 1999 Agreement – call it a memorandum of understanding or whatever it is that you wish to call it – but it has not been dealt with well by the Government side because, for example, you could have actually called in the Mayors of La Linea and Algeciras, the fishermen, in the same way as you are having discussions with them now, because you are having those discussions with them now, and say to them ‘Look here, as from six months’ time the 1999 Agreement is out of the window: we have six months within which to come to an agreement. If we don’t come to an agreement within six months, that is the end of it, chaps.’

Does he not think that is a more intelligent and a more reasonable way of dealing with this particular issue than just simply have Mr Cortes making announcements on Facebook?

1015 **Hon. Chief Minister:** Mr Speaker, obviously never the twain shall meet.

Mr Cortes did not make an announcement on Facebook and my invitation stands. I am expecting it to arrive – hopefully in the next seven days – I am ‘frasmotic’ with excitement about its arrival and he can come and check the word ‘announcement’. I am sure there will be every possible definition except the one he wants to give it – which is to repeat something that one has already said.

1020 Mr Speaker, he needs to understand that intellectual rigour does not allow somebody to say this memorandum of understanding arrangement policy etc, etc offends the rule of law, let me negotiate with you for the next three months or next six months, or next twelve months how we correct the position. Because then, Mr Speaker, one becomes a participant in the rule of law being broken, that is why, Mr Speaker, our policy, set out in our manifesto, is in explicit terms – it says *immediately*. Because one cannot tolerate a breach of the rule of law if one is committed to the rule of law and constitutionality. One does not negotiate how to redress unconstitutionality or breaches of the rule of law. One may sit down to discuss new regimes, but one cannot perpetuate, if one has any intellectual rigour, such breaches.

1025 But, Mr Speaker, let us take the hon. Gentleman and his example, and apply it to the manner in which the people who he seems to be holding a brief for have themselves torn up the trilateral agreement – ‘torn up’ is a figurative. Unless I missed it, because the *Partido Popular* were elected before we were in post, although they were sworn in more or less on the same day as we were elected. I have not seen any correspondence with the previous administration from the *Partido Popular* saying, ‘Look, chaps, we are thinking of tearing up the trilateral process. Shall we talk about it for three months, or for six?’ No, Mr Speaker, not at all. I will do the Honourable His Excellency the Foreign Minister of the Kingdom of Spain, which I understand is the correct way of referring to a Minister of another country in a Parliament, at least the intellectual honour of saying that he has explained his position. He has said publicly on a number of occasions the trilateral process broke the Spanish dogma on what the position was in respect of recognition of Gibraltar, it elevated it, in his view, to the level of the United Kingdom and Spain and ‘that was anathema and unacceptable to us and the first thing I had to do was to deal with it before, then, writing to Mr Hague, setting out our position in that respect, starting to redress the balance from where the PSOE left us and starting to get the position back for Spain.’

1030 Of course, Mr Speaker, for anybody reading *Hansard* in 20 years’ time, I do not agree with that position, but that is the position that Mr Margallo has put in the public domain. *This* Government in respect of the fishing thingy, the memorandum of understanding, agreement, policy etc, whatever you want to call it, took a very clear position. Breach of the rule of law, breach of the constitution, immediate rescission – set out in our manifesto! If people do not read our manifesto, Mr Speaker, so be it. I read the *Partido Popular* manifesto. The position was set out in their manifesto. Wherever I go, I say that the issue of the trilateral process was set out in the manifesto of the *Partido Popular* and the issue in respect of the fishing agreement was set out in our manifesto. The people of Spain chose the *Partido Popular* manifesto and that has to be respected and the people of Gibraltar chose the GSLP Liberal manifesto and that has to be respected.

1045 Mr Speaker, that is the position, so I do *not* accept any of the premises on which the hon. Gentleman wishes to hang his question. Mr Speaker, frankly, we are having this debate not because I want to have it, because he knows that everything we say here is read in the *Palacio de Santa Cruz* and is read in both the party headquarters of the PSOE and the *Partido Popular* and it is demonstrated by the fact that when I was on

1055 that particular programme, the senior *Partido Popular* international affairs adviser said ‘*Caruana ha defendido en el parlamento de Gibraltar el acuerdo de 1999*’ – ‘Mr Caruana has defended in the Parliament of Gibraltar the agreement of 1999.’

1060 So, Mr Speaker, it is up to him. We can continue to have this debate here or, if he likes, despite the many years since we have done this, I will have him downstairs for a beer and we can continue it downstairs. I do not think that they can hear what we say over a lager!

**Hon. D A Feetham:** Yes, when he said ‘I’ll see him downstairs’, I thought for a moment that he was going to do what the Hon. the Minister for Employment did a number of months ago and invite me to the ante-room of this Chamber –

1065 **Hon. Chief Minister:** It’s unlikely to be a *mano a mano*. Chips and lager, rather than anything else!

**Hon. D A Feetham:** Well, a glass of wine for me, lager for you. I am partial to wine, rather than lager... But, look, I have here a dictionary definition of ‘announcement’. It says ‘a notice appearing in a newspaper or public place and announcing something’.

1070 The words that were used by the Hon. the Minister for Health were these, on Facebook:

‘Government does not support the 1999 Agreement and has given a direction to this effect.’

1075 Does he not agree with me that that is an announcement? And does he not agree with me that it is a derogation of everything that is what it is to be parliamentary, to make an announcement of this kind on Facebook, rather than in this Parliament? And does he not agree with me that there is a fundamental distinction between what is in a manifesto commitment and just simply saying to people, ‘No, you read my manifesto,’ and making an announcement about... ‘Well, look, as from this particular date, we have taken this particular position in relation to that manifesto commitment.’

1080 It seems to me that he has a very strange way of dealing with international diplomacy, just simply saying, ‘No, hang on a minute, let the Spaniards read it in our manifesto,’ despite the fact that, perhaps, these individuals – and I am not here to hold a brief for these individuals – I am here to hold a brief for the people of Gibraltar because you have placed us in a monumental mess. That is the reality. And the reality is also that, over the next four years, we will see played out in this House and in politics in Gibraltar a clash of philosophies: the philosophy of this side of the House that says that you fight the battle that is vital to Gibraltar and you do so with intelligence and you do so with reasonableness; and the philosophy going back to the 1980s and Mr Bossano, which basically says that conflict with Spain is the best type of policy with regard to Spain. That is the reality.

1085 Does he not agree with me that that *is* an announcement, and looking back in retrospect, that you should have dealt with this in a different way?

**Hon. Chief Minister:** Mr Speaker, I know that the hon. Gentleman wants to say the same thing on a number of occasions and he does not get tired of hearing himself, even if we do get tired of hearing him!

1095 Mr Speaker, I may have a strange way of handling international diplomacy, according to the hon. Gentleman. It appears to be as strange a way as the Hon. His Excellency the Foreign Minister of the Kingdom of Spain, who did not follow what the hon. Gentleman believes to be the right model of international diplomacy. He announced, as his party had done already in its manifesto, what *his* view was, in keeping with the hon. Gentleman’s definition of ‘announcement’, in relation to the trilateral and that Gibraltar was Spanish and that this ‘joke’ is over etc. So, Mr Speaker, my definition of international diplomacy appears to be the same as that of the Foreign Minister of one of the major European powers, as Spain undoubtedly is.

1100 Mr Speaker, that may be a clash of philosophies, it actually may be a clash of ideologies, but so be it. That is what Parliament is about: debating those issues and those differences. But what I will not accept, however upset the hon. Gentleman may be in his presentation in order to impress the public, is that John Cortes made any announcement.

1105 I am not going to repeat the invitation to come and look at the definition of ‘announcement’ in my dictionary. It is still there, but if he pushes me, I am going to withdraw it, Mr Speaker, because I am very proud of those volumes that I have bought and do not want anybody just thumbing through them.

Mr Speaker, this is not an announcement. The Hon. Mr Cortes said something on Facebook which was

1110 about having given effect to our manifesto. Our manifesto is clear on all of these issues. I do not consider that we are making announcements when we are giving effect to the things in our manifesto. That is just not the way that we understand it.

The hon. Gentleman seems to want me to get up in this House, or in the piazza, and start reading the manifesto. It will then be set out in stone, he will then have considered it announced, and then we can be repeating it.

1115 Mr Speaker, by the definition of ‘announcement’ that *he* has given to this House, this manifesto has been in the public place, in every letterbox in Gibraltar from which it was not pulled out by people who might not be identifiable. It was read by everybody in Gibraltar who wanted to read the manifesto. It is available online at *change.gi* and at *gslp.gi* and at *liberal.gi*.

1120 I am not going to read from it, Mr Speaker, in order to ensure that everything in it is now deemed announced and only repeated thereafter. It is deemed announced the day that it was published. Otherwise, Mr Speaker, they have to start with ‘It’s time for change’. This manifesto does not contain every commitment we have etc.

1125 Mr Speaker, we made the announcement in exactly the same way as the *Partido Popular* made *their* announcement as to the trilateral. In fact, Mr Speaker, as I referred to the Hon. the Leader of the Opposition, at the last session in this House there were press releases, there were answers to Questions, there were debates, I even think there were motions in 1988, in 1999, in 2000, thereafter. Mr Speaker, the position could not have been clearer. Now what the hon. Gentleman is doing is becoming an apologist for those who might not have read the manifesto and have been caught by surprise. So be it, Mr Speaker.

1130 What we are going to do for the next three-and-a-half years in government, as I have said in every intervention I have made before the Election and after the Election, is always defend the interests of Gibraltar and the people of Gibraltar first and foremost; and second, Mr Speaker, in relations with our neighbour to the north, extend, as we do to every kingdom and every republic in the world, the hand of friendship, co-operation and understanding and, at the same time as I deal with the attacks upon Gibraltar which the Kingdom of Spain unleashes regularly, whether *they* are in government or *we* are in government, with what *they* say is the way that they deal with international diplomacy or what they say is the way *we* deal with international diplomacy, the attacks are constant. We will rebut the attack, Mr Speaker, and at the same time, as we say to Goliath, ‘You are wrong on that,’ we will extend the hand of friendship, co-operation and understanding. That, Mr Speaker, is the best way, in our judgement, to defend the interests of Gibraltar and the Gibraltarian people.

1140 We are very proud of the work that this Government has done on this and every other issue since 9th December.

The hon. Gentleman can now set up another premise to try and ask me another question to try and catch me out on the basis of his hypotheses, which no doubt will delight those who read this *Hansard* or hear this debate from Madrid. Up to him – or we can have that beer.

1145 **Hon. D A Feetham:** If the hon. Member thinks that what he says is in the best interests of everybody in Gibraltar and what *he* says is in the best interests of Gibraltar has to be accepted as gospel as being in the best interests of Gibraltar, or when he says, ‘We have got to defend Gibraltar in this particular way,’ that everybody has to accept that as being gospel, well, he has got another think coming. I am afraid that we will do our duty, as an Opposition, to point out what have been glaring inadequacies, glaring fluffing of lines by the Government, and by the Chief Minister in particular, in relation to how this issue has been handled.

1150 But look, I note, and I am giving him one more opportunity before I sit down –

**Mr Speaker:** I do not think you –

1155 **Hon. D A Feetham:** – and I do not ask him –

**Mr Speaker:** Order! Order!

1160 **Hon. D A Feetham:** But he has not answered this question, Mr Speaker!

**Hon. Chief Minister:** Yes, I have.

**Hon. D A Feetham:** No, he has not answered.

1165 **Mr Speaker:** I heard a question, but I may not –

**Hon. D A Feetham:** What actually has happened? What happened from the day that the hon. Member was elected as Chief Minister on 8th December, to March when the Hon. Mr Cortes made his comments – let’s put it neutrally – on Facebook, what actually happens, in relation to the enforcement of the 1991 Act, which was different to the way it was being done before, because even Kaelan Joyce was actually complaining ‘nothing is happening’.

1170 The hon. Member may refuse to give me an answer – he has already refused to give me an answer on something as important as the Cordoba Agreement, but that is to the detriment of proper debate, it is to the detriment of the people listening who actually want to know the answers to this question, and it is also to the detriment of the democratic process – and *he* claims to be a defender of democracy in Gibraltar!

1175 **Hon. Chief Minister:** Look, but Mr Speaker, nobody who is listening is foolish enough to think that what we are doing is in any way affecting the quality of democracy *in any manner* other than to improve it so substantially that the hon. Members opposite now get 10 chances a year to ask this Government questions, when we used to get two or three to ask the hon. Gentlemen questions. (*Applause*)

1180 Nobody who is listening is foolish enough to think that we give less full answers than the hon. Members gave when they were on this side of the House. Nobody who is listening is foolish enough to think that the hon. Gentleman is doing anything other than seeking the immediate oxygen of publicity for his ambition to lead his party and to try and win a General Election.

1185 Nothing that he is doing or saying in the premise of his question is true because, Mr Speaker, just because I do not read out to him the press release from 2006 does not mean I am not giving the information. Nothing about that, Mr Speaker, suggests that I am trying to thwart the democratic process.

1190 Mr Speaker, it is quarter to five in the afternoon on the first day of summer. To have to sit here and listen to this is not to be seriously challenged by an Opposition asking questions; it is to be teased by somebody who is intent on throwing more bait about this Chamber than a Spanish fisherman needs to throw when he casts his nets illegally in Gibraltar waters and, really, Mr Speaker, I am not going to fall for any of that bait.

**Hon. D A Feetham:** So the answer is that you refuse to give me an answer to a quite reasonable question.

1195 The hon. Member is very good at the wide platitudes and speeches in this House, but the purpose of the process in this House is for us to ask questions. It is a perfectly reasonable question, and the Hon. the Chief Minister has completely refused to answer it.

**Hon. Chief Minister:** Mr Speaker, I have answered it in a way that the hon. Gentleman does not like, namely we *announced* in our manifesto what our policy was. It was set out previously in answers to Questions and in this House. That would have been communicated to the law enforcement agencies with immediate effect on 9th December 2011, as the regime that now was relevant.

1200 That issue was confirmed by the Hon. the Minister for the Environment in a communication on Facebook, and that is the position. The hon. Gentleman asks me again and again and again the same question, in the hope that maybe, if he shakes the tree enough, an apple might fall, which, if he eats it, might convert him from an electoral frog into an electoral prince, so that he could become the Chief Minister of Gibraltar. Well, it is not going to work, Mr Speaker.

1205 The answers have been given. A proper debate is always a delight for the Government, if the hon. Gentleman wants to put a motion, but in *this* place where we are now on the Agenda, Question Time requires that they seek information. We have given the information. Just because they do not *like* it does not mean that they come back again and again and ask the same question.

1210

#### Commissioner of Income Tax Arrears agreements

1215

**Clerk:** Question 574, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister confirm that the Government has instituted a policy to allow

1220 the Commissioner of Income Tax to have discretion to enter into arrears agreements in appropriate circumstances?

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

1225 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

**Hon. D A Feetham:** Can he elaborate on the principles underpinning those circumstances in which arrears agreements will be entered into?

1230 **Hon. Chief Minister:** Mr Speaker, that is a matter for the Commissioner of Income Tax because the discretion is his to exercise.

**Hon. D A Feetham:** Well, not exactly.  
In his manifesto, (*Interjection*) the hon. Member... He is talking to the Minister for Justice.

1235 **Hon. Chief Minister:** I am allowed to – (*Interjections*)

**Hon. D A Feetham:** In his manifesto, he said that this would be limited to circumstances of hardship. That is the principle underpinning the circumstances in which these agreements would be entered into.

1240 Is he now saying that there is a different principle, or no principle at all, because it is the Commissioner who simply exercises discretion and that is it – that the principles are to be determined by the Commissioner of Income Tax?

1245 **Hon. Chief Minister:** No, Mr Speaker, it is none of those. It is that the Commissioner of Income Tax exercises his discretion in cases of hardship.

**Hon. D A Feetham:** So, effectively, the principle underpinning these agreements is if there is genuine hardship. That is the principle underpinning it.

1250 **Hon. Chief Minister:** Mr Speaker, I really think that the hon. Gentleman needs to give some thought to things. If there is no hardship, then how would the Commissioner of Income Tax have his discretion engaged? Because the individual does not *wish* to pay, and the Commissioner for Income Tax might want to consider whether he allows him to pay in a different way, or not pay at all? It *must* be, Mr Speaker, perforce, a discretion that is engaged on hardship.

1255 If the hon. Member stops and gives it some thought, he might not get up and ask the same question again.

**Hon. D A Feetham:** I have to say that the hon. Member... It is taking him all of seven months, since he became Chief Minister, to exhibit the kind of characteristics that he was criticising the now Leader of the Opposition when he was Chief Minister, because he is high-handed in the way that he answers the questions. It is a perfectly legitimate question to ask. You *could* have other criteria, other than hardship.

1260 So the answer is, effectively, it is limited to circumstances of hardship – that is the answer, is it?

1265 **Hon. Chief Minister:** Mr Speaker, I do not know whether to take that as a compliment, because the hon. Gentleman spent most of September to December saying that the characteristics he now accuses me of having, which I accused the Hon. the then Chief Minister of having, were the ones required to run Gibraltar effectively and that people should ensure that they voted for him. So I do not know whether he is saying that he is going to go out and campaign for me... I do not know but, frankly, it might be the kiss of death, and that may be the last thing I need.

1270 I have made the position very clear. If you have some intellectual rigour, you will understand that hardship needs to be engaged in these circumstances before a discretion can be exercised. The hon. Gentleman's question is generic. I will give him at least the opportunity of saying that the way that he has phrased his question might engage corporate entities and corporate entities cannot feel hardship, because hardship is an emotion or an issue which is engaged when dealing with human beings. But financial hardship would be something that involves a corporation.

1275 There is no intention, Mr Speaker, on the part of the Government, to ever create a discretion in policy or in statute which can be exercised by a senior civil servant in cases where people have the ability to comply with requirements of the law, whether it is payments or otherwise, and they do not wish to do so with the alacrity that the law requires. That is not something we would ever consider. But where there is hardship, Mr Speaker – and it must be *financial* hardship – then the senior civil servant *should* have a discretion, in our view. The senior civil servant in this instance is the Commissioner for Income Tax, Mr Speaker.

1280 I think it is pretty clear now, unless the hon. Gentleman just wants to have an argument for the sake of having one. Anybody who has seen the *Monty Python* sketch where somebody knocks on the door that says ‘Arguments’ and is told by the person sitting behind the desk, ‘No, I’m afraid this isn’t Arguments,’ and the fellow then says, ‘Yes, it is!’ – ‘No, it isn’t!’ etc... Unless that is what he wants, Mr Speaker, the discretion is for cases of financial hardship, in the case of individuals’ hardship. That is it, Mr Speaker.

1285 That is the position. Why should it be otherwise?

**Hon. D A Feetham:** The hon. Member is like an onion: you peel away the layers and... you have to peel away the layers before you actually get to the answer.

1290 **Hon. Chief Minister:** I just said this to make him cry, Mr Speaker! (*Laughter*)

**Hon. D A Feetham:** He started off... At least now I have got the answer, but he could have answered in this particular way at the first attempt.

1295 First of all, the Hon. the Chief Minister started by saying to me, ‘No, no, it’s a matter for the Commissioner of Income Tax.’ Then, when I said to him, ‘Well, actually, your manifesto says that it is going to be limited to circumstances of hardship,’ he said, ‘Yes, yes, it’s hardship.’ (*Interjection*) Then, in the middle of the answer he talks to me about emotional hardship and he ends up by concluding, ‘No, no, no, it only applies to financial hardship.’

1300 I do not want to have an argument with anybody. I have tried to be restrained in the way that I have conducted the questions this afternoon, despite the fact that the hon. Gentleman has peppered his answers with huge amounts of personalisation directed at me. Look, I could have, in fact, at any point mentioned and reminded the hon. Member of the role that he played in my exit from the GSLP and the letters of resignation that *he* drafted –

1305 **Mr Speaker:** Order! Order! Order!

**Hon. D A Feetham:** – of the then executive members, but I did not, because I want to keep this just simply on the issues. That is all. Nobody is trying to argue here.

1310 **Mr Speaker:** Okay, the –

**Hon. Chief Minister:** Mr Speaker, if I might just deal with this. First of all, I am not going to get involved in debating *his* version of things that happened many years ago, which is as warped and as thwarted of reality as everything else that he says in this House, about the letters which *he* probably drafted etc.

1315 The hon. Gentleman compares me to an onion. I am not going to compare him to any vegetable in particular. Well, in fact, Mr Speaker, I should probably not go any further in respect of that analogy.

We have made the position very clear in respect of what the discretion is and the Commissioner of Income Tax. He was asking us about the manifesto. The position is clear: the discretion is there – how could it be anything other than hardship?

1320 I think he and I owe the listening public in Gibraltar not to continue to play out those issues which he has with me, which I certainly do not have with him, as the pretext (*Interjection by Hon. D A Feetham*) for every question that we are going to have in this House and every debate that we are going to have in this House. Can he just, please, keep it to asking questions, because, Mr Speaker, I am very keen to keep it to answering questions.

1325 But look, Mr Speaker, if *he* wants to put things, to needle and to push and to suggest *que el que tira la piedra y esconde la mano* and he throws it there and he thinks I am not going to pick it up, Mr Speaker, I will give him back as hard as he throws, but we owe the public to leave those public issues aside, to debate matters in this Parliament with maturity and with respect, and to respect Question Time as what it is and not to turn it

1330 into a debating time.

**Hon. D A Feetham:** Mr Speaker, I associate myself entirely with the words of the Chief Minister.

**Mr Speaker:** Thank you.

1335 **Hon. D A Feetham:** Let's hope that he does as he has so eloquently outlined just a few moments ago.

1340 **Tax breaks**  
**Software/IT and media industries**

**Clerk:** Question 575, the Hon. D A Feetham.

1345 **Hon. D A Feetham:** Can the Chief Minister state what tax breaks the Government envisages introducing for the use of Gibraltar as a jurisdiction for research and development in the software/IT industries which are now established in Gibraltar, as well as productions by television, cinema and the music industry?

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

1350 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, when the Government considers it appropriate, we will make *announcements* about tax breaks in this and any other areas.

1355 **Hon. D A Feetham:** But the Government, in principle, is committed to effectively doing what I have asked him in that particular question, is it not?

**Hon. Chief Minister:** Mr Speaker, the Government, in principle, is committed to doing what it says about these particular areas in its manifesto, where we have announced our policies in respect of this matter.

1360 **Hon. D A Feetham:** Can he tell me whether there is any particular timeframe that he has in mind in relation to this particular commitment?

**Hon. Chief Minister:** Mr Speaker, the only thing I would tell the Minister is that it is usual for announcements in respect of taxation to be made at Budget time.

1365

**Office of Fair Trading**  
**Timeframe for introduction**

1370 **Clerk:** Question 576, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister state when the Government will be in a position to introduce an Office of Fair Trading?

1375 **Clerk:** Answer, the Hon. the Chief Minister.

1380 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, one is tempted to remind the House of the answer given by the Hon. the Leader of the Opposition, when he was Chief Minister, about Members of the Opposition not being timekeepers of the Government's manifesto commitments; but so be it.

Mr Speaker, the Government is in the process of drafting the necessary legislation to create an Office of Fair Trading. This will result in a Command Paper being published to allow consultation in respect of the manner of establishment of the Gibraltar OFT.

1385 **Unite and GGCA representatives**  
**Meetings with Chief Minister**

**Clerk:** Question 577, the Hon. D A Feetham.

1390 **Hon. D A Feetham:** Can the Chief Minister state how many times in an official capacity he has met Victor Ochello of Unite and Michael Tampin of GGCA Prospect?

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

1395 **Hon. Chief Minister (Hon. F R Picardo):** I think it is just GGCA, by the way.

Mr Speaker, it is not possible to provide an accurate number for this question as I have met both Mr Ochello and Mr Tampin on very many occasions indeed since 9th December on official business, either on the basis of pre-arranged meetings or because they have asked to see me at short notice or have attended meetings I have had arranged with others. The non-numerical answer is on very many occasions indeed; but, anyway, who's counting?

1400

**Hon. D A Feetham:** Has he spoken to either of these two individuals – or have they raised with him, I should say, the use of cadets from the Future Jobs Strategy within the public service? Has that been something that has been discussed at all between you?

1405

**Hon. Chief Minister:** I am not going to come to this House, however transparent and accountable I may be, to tell the hon. Gentleman the content of my conversations with every trade unionist that I meet, but I can tell him, Mr Speaker, as this is a very specific question, that it has not been raised with me at all.

1410

**Engagement of private consultants**  
**Details**

1415 **Clerk:** Question 578, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister state how many private consultants have been engaged by the Government since 9th December 2011, providing details of the areas where they have been engaged and the cost in relation to each engagement?

1420

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question with Questions 579 to 581 and 587 and 589.

1425

**Ministerial travel costs**  
**Details**

1430

**Clerk:** Question 579.

1435 **Hon. D A Feetham:** Can the Chief Minister provide a breakdown of travel costs of each Minister, including the Chief Minister, on official business since 9th December 2011, giving a breakdown by Minister, the purpose of the trip, the accommodation stayed at by the Minister, the cost of air fares, chauffeur-driven cars, accommodation and subsistence?



1440 **Improvement and Development Fund**  
**Receipts from land and property sales**

**Clerk:** Question 580.

1445 **Hon. D A Feetham:** Can the Chief Minister state what land or property sales, if any, there have been since the last Election resulting in receipts to the Improvement and Development Fund?

1450 **Property sales**  
**Number and value since General Election**

**Clerk:** Question 581.

1455 **Hon. D A Feetham:** Can the Chief Minister state what has been the total number and the value of property sales since the General Election?

1460 **Official cars**  
**Ministerial use**

**Clerk:** Question 587.

1465 **Hon. D A Feetham:** Can the Chief Minister provide particulars of how many times his Ministers have had use of an official car, with particulars of the dates and purpose for which use of the official car was made?

1470 **Contracts awarded since General Election**  
**Details**

**Clerk:** Question 589.

1475 **Hon. D A Feetham:** Can the Chief Minister provide a list of all the contracts over £2,000 awarded by the Government since the General Election (a) by direct allocation, and (b) by tender, not involving the provision of stationery to the public service, giving details of the person or company to whom the contract was awarded, the value and the date?

1480 **Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, in relation to Questions 578, 587 and 589, I now hand the hon. Member a schedule with the information requested, which is winging its way to him.

In relation to Question 579, the information requested has already been published online on the Government of Gibraltar website.

1485 In relation to Question 580, since the General Election, there have been a total of 12 land and property sales amounting to £304,510.56 for the credit of the Improvement and Development Fund.

Mr Speaker, in answer to Question 581, since the General Election, there have been a total of 107 property sales, amounting to £6,322,714.58 for the credit of Government-owned property companies.

1490 Mr Speaker, there is information requested by the hon. Gentleman which is of a statistical nature, which does not cover statistical information sought by us when we were in Opposition. We recognise that and will be publishing that information now on a monthly basis on the Government website.

**ANSWER TO QUESTION 589**

Answer to question 578

DETAILS	VALUE
Bathymetric Surveys Camp Bay and Sandy Bay	£ 4,700
Refuse disposal options	£ 33,000
Proposed housing development	£ 4,850
Proposed housing development	£ 4,850
Proposed housing development	£ 9,000
Proposed housing development	£ 7,000
Options for road and tunnel project	£ 22,565
Proposed housing development	£ 8,900
Proposed housing development	£ 4,400
Western Beach reclamation	£ 40,000
Western Beach reclamation	£ 4,500
Western Beach reclamation	£ 7,000
Bathymetric Survey	£ 2,350
Airline business development in Gibraltar	£13,750 pm July – Dec 2012
Dementia Care	£60,000
Gap analysis of Tug & Towage operations within the Port	£29,844.89
Establishment of University in Gibraltar	£25,000
Preparation of tender documentation	
(1) External refurbishment & associated works to New Police Barracks	£4,875
(2) External refurbishment & associated works to Arengo's House	£4,875

Contd.....

**ANSWER TO QUESTION 589**

**ANSWER TO QUESTION 587/2012**

**Minister for Traffic, Health & Safety and Technical Services**

<b>Date</b>	<b>Purpose of use</b>
15/12/2011	Visit to Gibraltar Car Parks
07/01/2012	Gymnastics Extravaganza, Tercentenary Sports Hall
11/01/2012	Site visit to various Government car parks
01/02/2012	Meeting at Motor Vehicle Test Centre
02/02/2012	Site visit to various Government car parks
13/02/2012	Official Opening of Young Artist Exhibition at Gustavo Bacarisa Gallery at Casemates Square
01/03/2012	Meeting at Finance Centre Board Room in Europort
13/04/2012	Site visit to airport tunnel
14/04/2012	Miss Gibraltar show at St. Michael's Cave
26/04/2012	Malaga airport - Flight to Rotterdam
28/04/2012	Collect from Malaga airport
21/05/2012	Heritage, Education and Tourism talk at John Mackintosh Hall
22/05/2012	Official opening of Spring Art Festival, Gustavo Bacarisa Gallery at Casemates Square
25/05/2012	Jubilee Taekwondo Champions at Tercentenary Sports Hall
07/06/2012	Corpus Christi Ceremony at John Mackintosh Square

**Total 15**

**Minister for Enterprise, Training and Employment:**

<b>Date</b>	<b>Purpose of use</b>
08/05/2012	No.6 Convent Place to Bayside School
02/06/2012	Return from UN Decolonisation Seminar at Quito Ecuador - Malaga Airport to Gibraltar
10/06/2012	Residence to Gibraltar airport - 30th Anniversary of Falkland Liberation

**Total 3**

**Minister for Housing and the Elderly:**

<b>Date</b>	<b>Purpose of use</b>
23/02/2012	Medallion of Distinction Reception at City Hall
17/03/2012	DSA old time and modern sequence dance club event at Central Hall
22/03/2012	Freedom of the City - Lord Greville Janner at City Hall
29/03/2012	Presentation of prizes in St. Bernard's Club at Community Centre
31/03/2012	CCC Sequence dance club 41st Anniversary Ball at Central Hall
02/04/2012	Launch by Chief Minister of book by Dr. Garcia at the Garrison Library

Contd...

**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
14/04/2012	Miss Gibraltar show at St. Michael's Cave
22/04/2012	Transfer to Gibraltar airport - Jubilee celebrations in London
24/04/2012	Presentation of oil painting of Bishop Caruana in St. Bernard's Club at Community Centre
12/05/2012	CCC Sequence dance club at Central Hall
05/06/2012	Albert Risso House - Jubilee Celebrations
09/06/2012	Transfer to Gibraltar airport - CPA Conference at Edinburgh

**Total 12**

**Minister for Health and Environment:**

<b>Date</b>	<b>Purpose of use</b>
12/12/2011	St. Bernard's Hospital taken to Primary Care Centre & KGV
15/12/2011	GHA to Joshua Hassan House
16/12/2011	GHA to Mr Britto's retirement party
16/12/2011	Mr Britto's retirement party and taken to Shop Stewards' Reception at Jumper's Bastion
16/12/2011	Jumper's Bastion to GHA
20/12/2011	St. Bernard's Hospital to Primary Care Centre - Meeting with GPs
21/12/2011	St. Bernard's Hospital to Presentation at KGV Hospital
03/01/2012	St. Bernard's Hospital to the Cathedral of St. Mary the Crowned
16/01/2012	No.6 Convent Place to St. Bernard's Hospital for meetings at office
17/01/2012	Joshua Hassan House to site visit at cemetery and Europa Point
20/01/2012	St. Bernard's Hospital to Parliament
10/02/2012	St. Bernard's Hospital to No 6 Convent Place
14/02/2012	Joshua Hassan House to GHA for meeting
21/02/2012	GHA Office to No.6 Convent Place for meeting
23/02/2012	Joshua Hassan House to GHA for meeting
24/02/2012	St Bernard's Hospital to No 6 Convent Place (La Linea visit)
28/02/2012	Joshua Hassan House to site visit - Master Service at New Harbours

Contd...

**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
29/02/2012	No 6 Convent Place to GHA - meetings
07/03/2012	No 6 Convent Place to GHA - meetings
07/03/2012	No 6 Convent Place to GHA - meetings
09/03/2012	GHA to No.6 Convent Place - meetings
14/03/2012	GHA to No.6 Convent Place - meetings
15/03/2012	Parliament House to GHA - Presentation of donation
19/03/2012	Joshua Hassan House to KGV Hospital and Coaling Island
20/03/2012	GHA to Waterport re:Trees planting ceremony
20/03/2012	GHA to No.6 Convent Place - meeting
21/03/2012	No 6 Convent Place to GHA - meetings
21/03/2012	GHA to John Mackintosh Square - Heritage Trust
04/04/2012	GHA to No.6 Convent Place - meeting
05/04/2012	No 6 Convent Place to KGV Hospital
11/04/2012	St Bernard's Hospital to meeting at No.6 Convent Place
12/04/2012	Joshua Hassan House to GHA - meeting
13/04/2012	No 6 Convent Place return to St Bernard's Hospital - meeting
16/04/2012	St Bernard's Hospital to Ince's Hall - Rock recycle launch
19/04/2012	St Bernard's Hospital to meeting at No.6 Convent Place
04/05/2012	No 6 Convent Place to GHA - meeting
10/05/2012	Joshua Hassan House -Site visit to Master Service in New Harbours
15/05/2012	Joshua Hassan House to GHA re meeting
18/05/2012	Les Miserables Concert at St Michael's Cave
21/05/2012	No 6 Convent Place to GHA
22/05/2012	Parliament House to St Bernard's Hospital
22/05/2012	St Bernard's Hospital to Parliament House
29/05/2012	Joshua Hassan House to GHA -Airport air Disaster Exercise
31/05/2012	Joshua Hassan House to Tercentenary Sports Hall - World Environment Day
01/06/2012	GHA to Clubhouse Project at Toc H
06/06/2012	No 6 Convent Place to GHA
06/06/2012	GHA to No 6 Convent Place - meeting
07/06/2012	Air Quality presentation at Bleak House
12/06/2012	Joshua Hassan House to Upper Rock Royal visit

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**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
14/06/2012	Meeting at Convent Place and taken to GHA
14/06/2012	Meeting at GHA and taken to Joshua Hassan House
14/06/2012	Joshua Hassan House - visit to Gibraltar Community Projects - Europa Advance Road
	<b><u>Total 52</u></b>

**Minister for Tourism, Public Transport and the Port:**

<b>Date</b>	<b>Purpose of use</b>
19/01/2012	Parliament House to Malaga airport - Fitur / Madrid
21/01/2012	Malaga airport to Gib - Fitur / Madrid
25/01/2012	Europort to Gibraltar Federation Small Business in Irish Town
02/02/2012	Europort office to No 6 Convent Place - Presentation - Upper Rock
03/02/2012	Europort office and taken to Rock Hotel - Bland Group presentation
07/02/2012	Meeting with Minister for Employment at New Harbours
09/02/2012	Europort office to Portland House at Isola's - Gibraltar Ship Arrest Symposium
09/02/2012	Lubrigant Tank Farm - site visit in North Mole
10/02/2012	Europort office to Irish Town - M.H. Bland
13/02/2012	Europort office to No 6 Convent Place for meeting
21/02/2012	Meeting with Deputy Chief Minister and other Ministers at No 6 Convent Place and then transferred to Gibraltar Airport - U.K. Nottingham Road Show and Gibraltar House Airline meeting
26/02/2012	Collected from Gibraltar airport - Road show and airline meetings
28/02/2012	Reception hosted by Vine Trust at No 6 Convent Place
29/02/2012	Europort office to Board of Chamber of Commerce - Lunch
02/03/2012	Gibraltar Crystal Factory at Casemates - Site Visit
05/03/2012	Victoria House
10/03/2012	Collected from Gibraltar airport - Seatrade International, Miami
13/03/2012	Europort office to Funeral
21/03/2012	Europort office to meetings at No.6 Convent Place
31/03/2012	Residence to Air Terminal - BMIBABY inaugural call

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**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
14/04/2012	Residence to Miss Gibraltar show at St Michael's Cave
18/04/2012	Residence to Business dinner meeting - Palmones 'El Copo' Restaurant
24/04/2012	Europort office to Mons Calpe Suite - UK Gibraltar Tourist Association
24/04/2012	UK GTA - Dinner at Elliots O'Callaghan Hotel
26/04/2012	Europort office to Bruno's Resturant - Gibraltar Super Yacht Forum
02/05/2012	Inaugural call - Serenade of the Seas, North Mole
25/05/2012	Europort office to Lunch - Literary Festival at Caleta Palace
29/05/2012	Europort office to airport - Airport air Disaster Exercise
11/06/2012	Europort office to Gibdock - Royal visit
12/06/2012	Europort office to North Mole - Royal visit to the Port - Gibraltar Port Authority
13/06/2012	Europort office to Air Terminal - Royal visit
	<b><u>Total 31</u></b>

**Deputy Chief Minister:**

<b>Date</b>	<b>Purpose of use</b>
16/12/2011	Hon Britto retirement at King's Bastion Leisure Centre and Rock Construction Lunch at Latino's in Casemates Square
19/12/2011	CM Christmas reception at The Mount
02/02/2012	Chess Festival at Caleta Palace Hotel
06/02/2012	Site facilities - St Michael's Cave
07/02/2012	Site visit - St Bernard's Hospital at Mackintosh wing
17/02/2012	Collect Simon Hughes MP and Ryan Wain from Gibraltar Airport taken to O'Callaghan Hotel - VIP visit - College of Further Education and St Christopher's School
18/02/2012	VIP visit Simon Hughes MP and Ryan Wain- Rock Tour
19/02/2012	VIP visit - Simon Hughes MP and Ryan Wain transfer to Gibraltar Airport and lunch at Charlie's Steak House at Marina Bay
19/02/2012	VIP visit - Simon Hughes MP and Ryan Wain collected from Elliot's Hotel and taken to Gibraltar Airport
21/02/2012	Site visit Charles the V and Grand Battery
21/02/2012	On site visit to Deputy Governor's House garden

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**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
05/03/2012	On site visits - Victualling Yard and Dutch Magazine
17/03/2012	Dr Ruth Fox - Parliamentary Commission dinner at Waterfront
18/03/2012	O'Callaghan Hotel / Dr Ruth Fox visit to Parliamentary Commission at Mackintosh Hall
20/03/2012	Collected from O'Callaghan Hotel / Dr Ruth Fox Departure Airport
01/04/2012	Airport Sir Graham Watson arrival and dinner with Chief Minister
02/04/2012	Sir Graham Watson meeting with Chief Minister and Deputy Chief Minister at No.6 Convent Place
14/04/2012	Miss Gibraltar show at St Michael's Cave
17/04/2012	On site visit Upper Rock at pig poultry Farm
19/04/2012	Upper Rock visit - pig poultry farm
28/04/2012	Workers Memorial Ceremony at House of Parliament Lobby
18/05/2012	Taken to Parliament House for Parliament Question and Answer session
11/06/2012	Royal visit at John Mackintosh Square
11/06/2012	Royal visit dinner at Rock Hotel
12/06/2012	Garden Party at the Convent
13/06/2012	Royal visit Air Terminal tour
	<b>Total 26</b>

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice:**

<b>Date</b>	<b>Purpose of use</b>
21/12/2011	Residence to Ceremonial Opening of Parliament
16/01/2012	Residence to Lunch - HMS Daring at Dockyard
14/02/2012	Old HM Prison (Moorish Castle)
06/03/2012	School visit at St Mary's First School, St Bernard's School, Sacred Heart School, Hebrew School and St Martin's School
07/03/2012	School visit at St Mary's First School, St Bernard's School, Sacred Heart School, Hebrew School and St Martin's School
14/04/2012	Miss Gibraltar show at St Michael's Cave
19/04/2012	Transfer to Gibraltar airport - To attend Gun Salute in UK
08/05/2012	Private dinner at The Mount
10/05/2012	Young Enterprise Awards at Rock Hotel and Lombard Odier 25th Anniversary dinner at Mons Calpe Suite
16/05/2012	Conference in Vienna - Transfer to Malaga airport
19/05/2012	Conference in Vienna - collect from Malaga airport

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**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
11/06/2012	Official dinner hosted for the Earl and Dutchess of Wessex at Rock Hotel Khaima
12/06/2012	Cable Car Mons Calpe Suite to Parade at Grand Casemates and Convent Garden Party
	<b>Total 13</b>

**Minister for Sports, Culture, Heritage and Youth:**

<b>Date</b>	<b>Purpose of use</b>
08/01/2012	Residence to Victoria Stadium - GFA football match
19/01/2012	Residence and to La Linea, Palacio de Congressos - Real Balonpedicas Anniversary
21/01/2012	Residence to Central Hall - 100th anniversary of St Joseph's FC
01/02/2012	Ministry of Culture to - Site meeting Upper Rock
08/02/2012	Residence to Ocean Village - GBC Sports Award
09/02/2012	Residence Tercentenary Hall, Boxing
09/02/2012	Ministry of Culture to GibDock - Press call
16/02/2012	Residence to City Fire Brigade & Central Hall (trophies)
21/02/2012	Ministry of Culture to Bleak House Presentation of Certificates to AquaGib employees
06/03/2012	Ministry of Culture to Youth Clubs visit
17/03/2012	Residence to Ince's Hall - Gala night / Drama Festival
27/03/2012	Ministry of Culture to visit to Retreat Centre and Flat Bastion Magazine
28/03/2012	Residence to dinner at Caleta Hotel - Gibraltar International Rugby
12/04/2012	Residence to El Patio/Rock Hotel - Miss Gibraltar dinner
13/04/2012	Ministry of Culture to GJBS visit followed by visit to airport terminal
14/04/2012	Residence to Miss Gibraltar show at St Michael's Cave
19/04/2012	Residence to Gibraltar fashion week party at The Mount
26/04/2012	Residence to Malaga airport - Little Constalation Art Workshop in Genoa Italy

Contd..

**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

<b>Date</b>	<b>Purpose of use</b>
30/04/2012	Malaga airport to Gibraltar - Little Constalation Art Workshop in Genoa Italy
02/05/2012	Ministry of Culture to Girl Guides Premises (visit)
08/05/2012	Ministry of Culture to Gibraltar Airport - receiving boys Football Team
16/05/2012	Ministry of Culture to Scouts premises (visit)
17/05/2012	Ministry of Culture to St Theresa's Church - Concert of sacred music
23/05/2012	Residence to Caleta Hotel - dinner - Gibraltar Philatelic Bureau at Nuno's Restaurant
24/05/2012	Ministry of Culture to Book Launch at Garrison Library and Philharmonic concert at St Michael's Cave
25/05/2012	Residence to Ince's Hall - LOL Productions - 'Happy Flying'
31/05/2012	Residence to John Mackintosh Hall - Gibraltar Academy of Dance Production - 'An Audience with the Queen'
01/06/2012	Ministry of Culture to - opening of Strait Games in Algeciras
01/06/2012	Ministry of Culture to site visit to parks around Gibraltar
02/06/2012	Residence to Strait Games in Algeciras
06/06/2012	Residence to Zarzuela at John Mackintosh Hall
08/06/2012	Residence to Urban Dance show at Alameda Open Air Theatre
08/06/2012	Ministry of Culture to presentation of Trophees at Bayside School
09/06/2012	Netball presentation in Boyd's at Kings Bastion
10/06/2012	Residence to The Mount - Rugby - Presentation of Awards
11/06/2012	Residence to John Mackintosh Square for Royal Visit
11/06/2012	Residence to Royal visit dinner at Rock Hotel Khaima
12/06/2012	Residence to Calpe Rowing Club for boat naming by HRH
12/06/2012	Residence to Queen's Birthday Parade at Casemates

**Total 39**

Contd...

**CONTD ANSWER TO QUESTION 589**

**CONTD. ANSWER TO QUESTION 587/2012**

**Minister for Equality and Social Services:**

<b>Date</b>	<b>Purpose of use</b>
02/02/2012	Visit to adult Disability Centre
26/03/2012	Site meeting at the old RNH hospital
17/04/2012	Transport to Gibraltar airport - Travelling to UK to attend a seminar
04/05/2012	Outing organised by St. Bernadtte's Resource Centre for service users at Granja de Aves, Jimena De La Frontera
10/05/2012	Gibraltar Airport collection
11/05/2012	Gibraltar Airport drop off
01/06/2012	Site meeting at the old RNH Hospital
11/06/2012	Dinner hosted by the Hon the Chief Minister in honour of the Earl and Duchess of Wessex at The Rock Hotel Khaima
12/06/2012	Queen's Birthday Parade at Grand Casemates and Garden Party
13/06/2012	Visit by the Earl and Dutchess of Wessex to the Laguna Social Club and the Laguna Youth Club
	<b><u>Total 10</u></b>

**Joint use of official cars:**

<b>Date</b>	<b>Purpose of use</b>
24/02/2012	La Linea Mayor visit (From No.6 to several locations)

**Deputy Chief Minister & Minister for Health and Environment:**

27/04/2012	On site visit at Air Terminal
	<b><u>Total 2</u></b>

**Deputy Chief Minister and Minister for Tourism, Public Transport and the Port:**

27/04/2012	On site visit at Air Terminal
	<b><u>Total 2</u></b>

1510

**CONTD ANSWER TO QUESTION 589**

**Answer to Question 589**

(a) Contracts over £2,000 awarded by direct allocation.

	Description	Company	Date	Value
1	Emergency works Main Sewer Collapse	Precise Civils	10.12.11	£77,323.92 (to date)
2	Emergency works Main Sewer Collapse	Wastage Products Ltd	10.12.11	£72,103.92 (to date)
3	Emergency works Main Sewer Collapse	Portman Ltd	10.12.11	£20,116.25 (to date)
4	Emergency unblocking/desilting of foul sewer and culvert at North Front	Wastage Products Ltd	May 2012	£8,890.00
5	Emergency repairs to stormwater systems Europa Point	Precise Civils	Feb 2012	£2,150.00
6	Emergency repairs and improvements to Frontier Fence	GJBS	May 2012	Pending valuation
7	Urgent resurfacing of holding area by frontier east gate	AMCO	March 2012	£18,203.83
8	Highway maintenance, repairs and resurfacing works – Holding over the contract previously awarded until new tender.	AMCO	March 2012	£179,018.54
9	Western Beach – Car park platform reclamation	CK Transport	May 2012	£140,000
10	Urgent installation of Fire Alarm System - Port	Gibtel	Feb 2012	£5,705
11	Inspection/Audit of Gibraltar Port Operations and infrastructure	Noble Denton	-	£5,000

**CONTD ANSWER TO QUESTION 589**

**Answer to Question 589**

**(b) Contracts over £2,000 awarded by Tender**

**SERVICES TENDERS**

Tender: Security Guards at Tourist Sites  
Contract Period: 13/02/12 – 12/02/14  
Company: Bland (OSG), Cloister Building, Irish Town  
Value: £134,352.00 p.a.

Tender: Security Joshua Hassan House  
Contract Period: 01/02/12 – 31/01/14  
Company: Detectives & Security (Int) Ltd, Suite 1, Leon House, Secretary's Lane  
Value: £43,652.28 p.a.

Tender: Summer Nights  
Contract Period: 09/05/12  
Company: Casemates Tenants Association  
Value: £39,840.00

Tender: Art, Design, Printing and Supply of an EU Funding Newsletter  
Contract Period: 08/02/12 – 07/02/14  
Company: Roca Graphics Ltd, 21 Tuckey's Lane  
Value: £2,540.00 p.a.

Tender: Combined Business Insurance Policy for KBLC  
Contract Period: 21/03/12 – 20/03/15  
Company: Westmed Insurance Services Ltd, Regal House, Quensway  
Value: £25,000.00 p.a.

Tender: Collection & Treatment of WEEE, Heat, Pump, Batteries Fire Ext & other  
Equipment  
Contract Period: 19/12/11 – 18/12/15  
Company: Metalrok Ltd, 64 Devil's Tower Road  
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Contd...

**CONTD ANSWER TO QUESTION 589**

**Answer to Question 589**

**SUPPLY TENDERS**

Tender: Blocks and Bricks  
Contract Period: 10/04/12 – 09/04/14  
Company: Gaggero Cemats & Building Supplies, 7/9 Halifax Road  
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Ironmongery  
Contract Period: 01/05/12 – 30/04/12  
Company (1): EJ Hammonds & Sons Ltd, Unit 52, New Harbours  
Company (2): Euroship Supplies, Unit 7, Industrial Park  
Company (3): Gaggero Cemats & Buildings Supplies, 7/9 Halifax Road, North Front  
Company (4): Interbuild, 12 New Harbours  
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Paint & Paint Accessories  
Contract Period: 01/02/12 – 31/01/14  
Company(1): Corner Shop Ltd, Unit 5A, 30 Devil's Tower Road, P.O. Box 77  
Company (2): D & H Ceramics, 60 Devil's Tower Road  
Company (3): Interbuild, 60 Devil's Tower Road  
Company (4): Marr Co Ltd (T/A The Paint Shop), 4005 Eurotowers, Europort Road  
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Protective Clothing  
Contract Period: 29/06/12 – 28/06/12  
Company (1): Cotton Leisure, Unit 14, Block 5  
Company (2): Euroship Supplies Ltd, Unit 7, North Mole Industrial Park  
Company (3): Gaggero Cemats Home & Building Supplies, 7/9 Halifax Road  
Company (4): Portman Ltd, Unit F17, Europa Business Centre  
Company (5): Stitch & Print, 12A Renown House, Laguna Estate  
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

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**CONTD ANSWER TO QUESTION 589**

**Answer to Question 589**

**GOVERNMENT CLEANING SCHEME CONTRACTS**

1. City Fire Brigade - Awarded to Environmental Support Services Ltd in the sum of £2,537.60 per month in April 2012 for 1 year.
2. Post Office & Mail Centre - Awarded to JFM Shine Cleaning Service in the sum of £2,548 per month (Winter Hours) and £2,392 per month (Summer Hours) in May 2012 for 1 year.

**Other Contracts (by Quotation)**

- |  | <b><u>Reason</u></b>                      |
|--|---|
| 1. Purchase of Air Conditioning Units for new offices of Gibraltar General Support Services Ltd – R & J Refridgeration - £3,700 – March 2012         | Urgency                                   |
| 2. Purchase of Site Lab Analyser and Accessory Kit for Department of Environment – Severn Trent Services Ltd, UK. In the Sum of £13,794 – March 2012 | Specialist Equipment<br>only one supplier |
| 3. Purchase of Specialist Site Sampling Equipment for Department of Environment – Niton UK in the sum of £19,995 – March 2012                        | Specialist Equipment<br>only one supplier |
| 4. Purchase of CCTV Monitor for Port Authority – Hammonds Ltd in the sum of £2,059 – April 2012  | Urgency                                   |
| 5. Purchase of Lifeguard Boats (3) and Beach Trolleys (3) – Altimore Trading Co Ltd in the total sum of £5,730 – June 2012                           | Urgency                                   |
| 6. Creation of television advert for anti-fouling campaign – Word of Mouth in the sum of £2,500 – May 2012 – 3 quotes obtained                       | Urgency                                   |

1520 **Hon. D A Feetham:** In relation to the travel costs of Ministers, I did actually look at the website, and the  
information provided on the website only went up, I think, until March. Is he certain that that is the position at  
the present moment? For example... and I do not know... An interesting question would be whether the  
1525 obligation of the Government to provide the information is at today's date or at the date that the question was  
actually asked. But is he saying that the information, for example, in terms of the cost of the hon. Gentleman's  
visit to the United Nations, is also now currently on the website?

**Hon. Chief Minister:** Mr Speaker, I do not know whether the information relating to my trip to the  
United Nations is on the website. I know that when the costs are invoiced and they are processed for payment  
and the payment is made, those costs are then put on the website. Whether that is happening now on a  
1530 quarterly basis, because of the new arrangements that we have as to purchasing and travel, I do not know the  
answer to that and I am quite happy to find out. It may be that there is now more information on than when he  
checked when he asked the question but still not information which is correct for the past four weeks or five  
weeks because of the way that the billing happens.

The hon. Gentleman will know that I used to ask these questions when I was in Parliament and that, very  
1535 often, two or three months after a trip had occurred I would be told by the then Chief Minister, 'Well, look,  
yes, I did go on that trip but we don't yet have the final costs in because we haven't had the invoices  
processed for payment.'

What is processed for payment is reflected online as paid and as cost incurred. So, Mr Speaker, if he wants  
to review what those costs are on the website and then ask us questions about it, or if he wants to call me in  
1540 my office, Mr Speaker, I will always take his call if he is concerned that there may be something... Perhaps  
not immediately – I may be negotiating with Spanish fishermen! If he is concerned that there is a cost which  
might have been incurred which is not up on the website, I am happy to look at it but, as far as I am told, Mr  
Speaker, all of that information is now, when processed, put up.

1545 **Hon. D A Feetham:** Is there any reason why, at this particular session of the United Nations, the Hon. the  
Chief Minister also travelled with, from the photograph I saw, Michael Llamas, Clive Golt, Gareth Flower,  
Ernest Gomez and also the Deputy Chief Minister; and does he think that so many people going on a trip of  
this nature provides the taxpayer value for money, though the necessity issue probably answers the question  
1550 about the taxpayer getting value for money.

**Hon. Chief Minister:** Yes, Mr Speaker, I do, but I am very disappointed that we took that many people. I  
was very keen to take one more. I extended an invitation, as the hon. Gentleman knows, to the Leader of the  
Opposition to travel with us, and he refused the invitation for reasons that I think *he* should be allowed to deal  
with, not us.

1555 I considered everybody who came on the trip to be central to the trip. The cost of travel, he will be  
delighted to know, is per individual about a third of what it was when the Hon. the now Leader of the  
Opposition used to travel, because we shop around for our tickets and, therefore, taking a larger number has  
cost much less than it would have under the old regime.

Mr Speaker, I think it is very important in the way that this Government is going to continue its fantastic  
1560 international diplomacy, to engage with the United Nations, also with the Chief Legal Officer, to engage with  
the Deputy Chief Minister, because we met also, he will know, with the UK mission representative in New  
York. We met with other individuals from the Committee of 24 as we progress our policy, Mr Speaker, of  
expanding representation of Gibraltar at that august body, including taking young individuals and pursuing  
the possibility of legal challenges etc.

1565 Mr Speaker, I am now paid to make these judgements. I made it; I think it was appropriate. I wish I could  
have taken one more. I hope I can take one more in October. That is the way that we believe that we best  
defend the interests of the people of Gibraltar at the United Nations.

1570 **Hon. D A Feetham:** Yes, he does not appear to have liked my comments about the way that he conducts  
diplomacy. There is no need for the hon. Gentleman to be offended by it; I did not mean it in an offensive  
way.

But is it the intention, in the future, of the Government to be taking as many as, effectively, six individuals  
to the United Nations? Is that the policy for the future as well?



1575 **Hon. Chief Minister:** I am sorry to tell the hon. Gentleman, and disappoint him, but he is not able to offend me.

1580 But anyway, Mr Speaker, the position of the Government has been explained on a number of occasions and I am surprised that he is asking me about it. Our position is to take many more Gibraltarians to the United Nations to expose them to the work that the UN does. So, not only am I intending to take my Press Officer, my Chief Legal Officer, my Deputy Chief Minister, my Chief Secretary etc, for all the reasons that that is important, Mr Speaker; I am also intending to take young people from the comprehensive schools at a time which does not interfere with their exams, which now, unfortunately, every year seems to include exams in June, whether one is in what we might have called the third form or the fifth form. I am intending to take, if other NGOs want to take up the offer, other NGOs both to the C24 and to the Fourth Committee. The issue this time was to engage with the secretariat in order to open up those possibilities for Gibraltarians.

1585 Mr Speaker, I think this is one of the real clashes of philosophies, if he wants to call it that – I call it a clash of ideologies – between the two parties. We believe in the value of addressing the United Nations and engaging with the United Nations, and that, Mr Speaker, is what the people of Gibraltar have chosen, because we specifically set that out in our manifesto. Sorry – I should have said *announced* in our manifesto.

1590 **Hon. D A Feetham:** Yes, I doubt whether we will be quibbling about clashes of philosophy in relation to how many people travel to the United Nations. (*Laughter*) When I spoke about the clash of philosophies, I was speaking about something a little bit more fundamental than that.

1595 Mr Speaker, I also am very grateful to the Hon. the Chief Minister for the answers in relation to the official cars. Is his Government continuing with the policy that was in place when we were in Government in relation to how official cars are actually booked out to Ministers, which is through the Chief Secretary's Office; or has he set up a different criteria for the booking of cars for Government Ministers?

1600 **Hon. Chief Minister:** Mr Speaker, the way that cars are booked for Ministers I do not think is one of the big ideological differences between us. As I understand it, this was the mechanism that was in place and the information has come from the Office of the Chief Secretary, because that is where the central booking system is for Ministers' cars.

1605 **Hon. D A Feetham:** So, effectively, the system in place – because, of course, this is an asset at taxpayers' expense, effectively, the use of an official car – was that one had to make an official request to the Chief Secretary's Office for the use of the official car for a particular function or in a particular way. Is he saying that continues to be the position today?

1610 **Hon. Chief Minister:** Mr Speaker, I am in the happy position of not having to do any bookings for an official car, as the hon. Gentleman will know, but I am reliably informed by all my colleagues that that is the position that is in place, or the standard that is in place, namely that one fills in a form and submits it to the Chief Secretary, and that is how one obtains a vehicle if one is a Minister.

1615

**GDC employees  
Representations re grievances**

1620 **Clerk:** Question 582, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Chief Minister state whether he has received any representations or requests for a meeting concerning any grievances by GDC employees; and if so, by whom and when were the representations or requests for a meeting made?

1625 **Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have been requested by Unite to meet in respect of some issues arising at the GDC.

The request for the meeting was made by one of the GDC shop stewards some two or three weeks ago for

1630 a date to be fixed as soon as possible after they send me the list of issues for discussion, which I might add, Mr Speaker, has not yet been received by me.

**Hon. D A Feetham:** No, I appreciate what he is saying, that the list of issues has not been received by him.

1635 He may have heard some of the exchanges between myself and the Hon. the Minister for Employment, Mr Bossano and, effectively, there are two issues. The principal issue is the issue of the inability, as a consequence of a policy that has been instituted by Mr Bossano, of GDC employees and Civil Service employees who were formerly GDC employees not being effectively able to compete for the posts that are GDC posts, or formerly GDC posts, whether they be within the Civil Service that those posts were formerly GDC, or within the GDC, and the GDC employees at the time, through their union, felt that not allowing cross-promotion prospects was a unilateral variation of their contract.

1640 I note that on 27th January 2012 a letter was written on behalf of the union and it was copied... It was a letter written to Brenda Cumbo, and it was in fact copied to you, the Chief Minister of Gibraltar. It followed a letter of 26th January, which was to Mr Bossano, copied to the Deputy Chief Minister, and it said this:

1645 'This has obliged many affected members who required further clarification of their terms and conditions to take a decision under duress.'

1650 – because Mr Bossano was only giving up to 27th January in order to make the decision as to whether to stay in the Civil Service or to cross over to the GDC, or vice versa.

1655 'The fact that their genuine and reasonable request for further information and time to consider the same had been dismissed out of hand and without even the courtesy of a written reply has left many of the said members very distressed. Many of these members feel that they have been bullied into making an abrupt decision and go forward in an atmosphere of uncertainty, distrust and fear.'

**Mr Speaker:** I think there was –

1660 **Hon. D A Feetham:** Will the Chief Minister join with me to condemn any conduct, whether it be from his Government or wherever it may be, that effectively makes GDC employees feel as if they are moving forward in an atmosphere of uncertainty, distrust and fear and that they have been bullied into making decisions that are important to their future?

1665 **Hon. Chief Minister:** Mr Speaker, I will discuss with Unite what *they* consider to be the issues in relation to the GDC when they give me a letter telling me what they think those issues are, not on the basis of what the hon. Gentleman tells me *he* says the two issues are.

Mr Speaker, he has had the debate on this letter and all the rest of it with Mr Bossano on a number of occasions in this House, but there are many other things that we could debate. He could bring a motion for things, if he wants to debate them. This is Question Time, to elucidate information.

1670 Mr Speaker, my position is that I will meet with Unite to discuss the issues in respect of the GDC, such as they may be, whether they are the ones the hon. Gentleman has mentioned or others.

1675 Frankly, it was this Government, when in Opposition, that circulated a leaflet saying 'Ban the bully' because we believe that bullying has no place in the workplace. Mr Speaker, we believe we achieved that on 9th December and we will soon be bringing to Parliament, as soon as we are able, the laws on banning bullying in the workplace, which would, in effect, outlaw all the sort of behaviour that the hon. Gentleman is saying is referred to – not that I recognise that any behaviour of that sort has occurred since 9th December.

1680 **Spanish-national public sector workers  
Grievances re terms of engagement**

**Clerk:** Question 583, the Hon. D A Feetham.

1685 **Hon. D A Feetham:** Can the Chief Minister state whether there has been, or whether he has received, any representations or requests for a meeting concerning any grievances by Spanish nationals engaged in the

public sector about their terms of engagement; and if so, by whom and when were the representations or requests for a meeting made?

1690 **Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, no such representations or requests have been received.

1695 **Hon. D A Feetham:** Is the hon. Member aware – or the Hon. Chief Minister, I should say – is he aware of a discontent within certain Departments, one of them being the Care Agency, and in particular amongst... The employees who feel most vulnerable are, in fact, Spanish nationals in respect of the renewals of their contracts, which include... I will read the clause to the hon. Gentleman. I quote:

1700 'You agree, pursuant to section 63B of the Employment Act, to exclude and waive all claims in respect of rights under the provisions of sections 59 and 64(2) of the Employment Act to have this agreement renewed upon expiry. Please note that this extension of employment does not give rise to an expectation of permanent employment at the expiry of the term.'

1705 **Hon. Chief Minister:** Mr Speaker, I am aware of that concern. It was raised with me and with the hon. Lady, the Minister for Social Services, by officers of Unite. Those clauses actually come from contracts and renewal letters which were in place when what he likes to call *his* Government was in office before 9th December, and Mr Speaker, as a result of representations from Unite, both of those clauses have been removed from contracts going forward.

1710 **Hon. D A Feetham:** Yes, well, I congratulate the Chief Minister in relation to that. (*Interjection by the Hon. the Chief Minister*) No, these particular clauses may have been included in first contracts, not in second contracts.

1715 Can he confirm this: that there is no general policy, by the Government that he leads, of effectively – I am looking for a less emotive word, but none comes to mind – the culling of Spanish workers from the public service in order for them to be replaced by Gibraltarian labour? Can he say that there is no such policy?

**Hon. Chief Minister:** Mr Speaker, is the hon. Gentleman seriously alleging that the Government of Gibraltar will put itself in breach of the Treaty of Rome? I am sure he is not. There will never be any discrimination on the grounds of nationality in *employment* by this Government.

1720

**Public sector  
Grievances re terms of engagement**

1725 **Clerk:** Question 584, the Hon. D A Feetham.

1730 **Hon. D A Feetham:** Can the Chief Minister state whether he has received any representations or requests for a meeting concerning any grievances by workers engaged in the public sector about their terms of engagement; and if so, by whom and when were the representations or requests for a meeting made?

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

1735 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, other than in respect of the answer given already in respect of the GDC, let me assure the hon. Gentleman that, as I am sure was the case before the Election, the Office of the Chief Minister receives almost daily representations of grievances by workers engaged in the public sector. I deal with all of those that have an industrial relations aspect, and the Chief Secretary or the Head of Human Resources deal with any which involve administrative concerns.

1740

**Spanish mayors  
Discussions re Gibraltar issues**

1745

**Clerk:** Question 585, the Hon. D A Feetham.

1750

**Hon. D A Feetham:** How many times has the Chief Minister met a mayor of Spain since the General Election where he has spoken about issues affecting Gibraltar, identifying the mayor, the location of the meeting and the date?

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

1755

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, all meetings I have had with any Spanish mayor have been disclosed in the media.

1760

**Hon. D A Feetham:** Does he not have the details in front of him so that he can at least account to the Opposition in this House by providing the answer to the question in this House? Or is it again evidence of a change of practice by the Government, by the Members opposite, of effectively not answering the question and referring to press releases or information that is in public... (*Interjection*)

Surely the hon. Gentleman must recognise that he is, here, accountable to this Parliament and is, here, accountable to us on this side of the House. Does he not have the figures there with him so that he can provide me with the answer?

1765

**Hon. Chief Minister:** Mr Speaker, I am really quite taken aback by that question, for this simple reason. When I read this, Mr Speaker, I thought the hon. Gentleman was trying to get me to disclose any secret meetings I might have had with any Spanish mayor and account for a secret meeting: 'Ah, so you met Mr Bosch, who is the Mayor of San Roque, and you didn't say that you were doing so. What did you talk about? Why didn't you publish it?'

1770

Mr Speaker, I did not *imagine* for one moment that what he wanted was that I should bring a list of the... from memory, I think it is two or three occasions I have met Miss Araujo; on one occasion I met Mr Bosch; I think on two occasions I have met Mr Landaluce. If what he wants is a list and then he wants to go through the list and say, 'What did you talk about on the Thursday that you met Landaluce? What did you talk about on the Friday that you met Araujo?' I do not think that is the sort of debate that Parliament is about. I do not consider that is what openness and transparency and accountability to the Opposition is about.

1775

The hon. Gentleman knows, because he is deemed to have access to the media, all the occasions on which I have met Spanish mayors. He knows from the media what it is that I have discussed with them. If he wishes to ask me *anything* about that, I am quite happy to disclose information or have a debate with him about it, but if what he is saying is, 'You've got to come with a list,' he knows what the information is, because it is not being hidden, it has all been disclosed.

1780

What he cannot do, Mr Speaker – what he *cannot* do, Mr Speaker – is ask me about things which are in the public domain and force me to bring a list of things which are in the public domain. Otherwise, Mr Speaker, his next question could be, 'Will the Hon. the Chief Minister say how many press releases the Government has issued since 1st January?' and I will be forced to come to this House and say – 'I don't know; Mr García is now in charge, so there are many – Three hundred and fifteen since 1st January up to the date of the question.'

1785

That is publicly available information. That does not mean that I am not accounting to the Opposition. I would not be accounting to the Opposition if there had been a meeting with a Spanish mayor that has not been disclosed and I am trying to hide it, but that is not the situation. That is not how I do business, Mr Speaker. I am *totally* accountable, I reflect in the media any of these meetings, and the hon. Gentleman is free to ask me about those meetings and I will answer.

1790

1795

**Hon. D A Feetham:** Mr Speaker, the hon. Gentleman is not here to speculate about the purpose of my Question. That is not his job. Indeed, he talks about debate: the purpose of Question Time is not, as he has emphasised on a number of occasions, to have debates. It is about me asking questions and him providing me with the answer.

1800 Does he really expect me to effectively collate every single article – *every* single article – that comes out in the *Chronicle (Interjection)* – *every* single article that comes out in the *Chronicle (Interjection)* – and say, ‘Alright,’ and then not be able to ask a reasonable question about, ‘Well, look, how many times have you met the mayors of these –

**Hon. Chief Minister:** Point of order, Mr Speaker.

1805 **Mr Speaker:** Order! Point of order.

**Hon. Chief Minister:** Standing Order 17.(1)(xv) provides that:

‘a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference.’

1810 Therefore, Mr Speaker, given that I have confirmed to him that I have not had any meeting which has not been disclosed in the media, the Question seeks information which is set forth in accessible documents or ordinary works of reference. That is why I am refusing to answer it.

1815 But, Mr Speaker, I am saying that if he wants to ask me about the substance of those meetings, which he must have followed like every other member of our community, I am happy to engage with him on those issues.

1820 **Hon. D A Feetham:** Mr Speaker, it is just simply not acceptable to have a situation where you are expecting somebody to effectively collate every single article that has come out (*Interjection*) and then, because you can collate every single article (*Interjection*) that has come out, on that basis I would have to collate every single article in four years’ time, over four years, and say, ‘Right, well, there have been 19 meetings with mayors on the other side of the border.’ I do not think that that is a proper interpretation of Standing Orders, with respect to the Chief Minister.

1825 It is not a difficult question. He has proved true to form yet again, because the Hon. Chief Minister... It is not only on this particular question, but it is on other questions during this session of Parliament. He had refused to answer perfectly reasonable questions, indicating that I should go back to 2006, rather than indicate what Government policy is on something as important as the Cordoba Agreement. If today was a test of his democratic credentials, then I am afraid that he has failed them abysmally.

1830 **Hon. Chief Minister:** Well, Mr Speaker, today was a test of *his* industry. He has failed it abysmally, because he has shown how lazy he wants to be. He does not want to research (*Interjections*) what the policy is; he wants it *en bandeja*, on a tray. He does not want to go back to the policy statement of 2006; he does not want to read the manifesto. He wants me to get up in this Parliament, as if I did not have better things to do, and read him a press release and read him my manifesto. He does not *want*, Mr Speaker, to engage on the substance of what I discussed with the mayors. He wants a list, Mr Speaker. That is what he is reduced to, Mr Speaker. He is asking for lists. That is the Opposition that Gibraltar will have if he succeeds in his ambition and becomes the Leader of Her Majesty’s Loyal Opposition, because I do not think he will go much further than that.

1840 Mr Speaker, Parliament is to debate issues, not to provide lists. We are trying to give agility to this Parliament so it becomes about debate. Every time they ask for something which is statistical information, we either say it is available online or we provide it and we say, ‘Look, we didn’t used to ask for this. We are providing it to you now. It will be available online from now on.’ Why, Mr Speaker? Because this place has to be a place of substance. *They* did not provide the information, so we had to ask for it and our substance had to come from the information gleaned as a result of a question. *They* have the benefit, Mr Speaker, of a Parliament now that is so open and transparent that the Government puts the information on its website, he can go download it, put his feet up, read it and come up with a political question based on the statistics that are available online.

1845 What I am *not* going to do, Mr Speaker, and what none of my colleagues in Government are going to do, and what none of the public servants of Gibraltar are going to do for *him* is what *he* says *he* is not prepared to do, which is to keep a list. So it is too good for Daniel Feetham to keep a list and make a note; somebody else should do it for him, and I should be the one to do so.

1850 Mr Speaker, he got it wrong. On 9th December, *I* became the Chief Minister, not him! (*Applause*)

1855 **Mr Speaker:** Ruling on the point of order: the question is perfectly valid to ask the question that it does pose, but the answer is:

‘... all meetings I have had with any Spanish mayor have been disclosed in the media.’

1860 That is the answer and, again, looking at the Standing Order cited by the Hon. Chief Minister, which is 17 –

**Hon. Chief Minister:** 17.(1)(xv).

1865 **Mr Speaker:** Sorry, 17.(1) and it is subtitle (xv)... go back to it. I am sure the hon. Member knows where I am referring to:

‘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’

1870 – and (xv) says:

‘a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference.’

1875 The question has been asked and the answer refers to the accessible documents where the information is contained and, really, no matter how unsatisfactory the hon. Member may consider the position to be, that is the answer and the Standing Orders do cover that.

**Hon. D A Feetham:** Yes.

1880 Mr Speaker, the hon. Gentleman has made a number of statements. If he got to be Chief Minister, quite frankly, I fancy the chances of many other individuals. That is –

**Mr Speaker:** Order! (*Interjections*) Order! Order! Order! (*Interjection by the Chief Minister*)

**Hon. D A Feetham:** But, Mr Speaker –

1885 **Mr Speaker:** Order! I think... Exactly. Let’s stick to the questions, please.

I think if we are going to get down now to descend into whether the Hon. Chief Minister is good enough to be Chief Minister or not, that is really not the subject of the debate.

1890 **Hon. D A Feetham:** Mr Speaker, I hope that what is good for the goose is good for the gander, ((*Interjection*)) because –

**Mr Speaker:** It will be.

1895 **Hon. D A Feetham:** Yes, because his answers have been peppered with a number of almost Hollywood-style comments and personalisations, and I have been very restrained in the way that I have conducted myself during this session.

1900 What about... and I hope that he does not get unnecessarily angry by this question, because he has got a... (*Interjection by the Chief Minister*) Unfortunately, he seems to be very angry today. (*Interjection by the Chief Minister*) What about the meeting that he had, from my reading of the *Gibraltar Chronicle*, in Algeciras with Landaluce, where they met by chance and had a coffee? Was that one of these meetings that he expects me to read about and that would have been included here? Did he discuss anything about Gibraltar then?

1905 **Hon. Chief Minister:** Mr Speaker, it is a meeting with a mayor disclosed in the media. It was disclosed not just in the *Chronicle*, but in other sources of information, so what is the issue?

**Mr Speaker:** May I again interject over there?

Following on from my ruling, the answer being the meetings were disclosed in the media, we also, in this

1910 House, do have a practice that we do not necessarily believe and accept *everything* that has been reported in the media so, to a certain extent, it may not be enough to say they are disclosed in the media and then turn round and say ‘Don’t believe everything in the media.’

**Hon. Chief Minister:** But I specifically said that they have all been disclosed in the media. (*Interjections*)

1915 **Hon. D A Feetham:** The Hon. Mr Speaker makes a valid point, because, for example, one of the meetings that I was thinking about was this particular meeting. It could be completely and utterly fictitious that he has had that particular meeting with somebody in Spain, or it may be true.

1920 What the Hon. the Chief Minister is asking me – effectively, is establishing as a practice in this House – is for me to take my cue, or my party to take its cue from whatever Mr Reyes here writes, or whatever Dominic Searle or whatever GBC might care to report upon, and I do not think that it is satisfactory that... If that is the quality of the democracy that the hon. Gentleman stands for and wants to reduce proceedings in this House to, that is *his* position; we take a different position altogether.

**Hon. G H Licudi:** That is why we are here and you are there.

1925 **Hon. Chief Minister:** Mr Speaker, they take a different position altogether from 9th December, because he was in this House before and he knows what the position was.

1930 Mr Speaker, we have answered questions from the Hon. the Leader of the Opposition, who is not here today, who has referred us to statements in the *Chronicle*, whether written by Mr Reyes – who I recognise now at the Bar of Journalists in this House – or any other member of the media who has reported on them, and the Hon. the Leader of the Opposition is himself – and I have been given to describe him as empirical, but he is himself – not too grand to ask a question based on something he has read in a newspaper and to ask me about it, and *Hansard* will show that he has done so on *numerous* occasions since 9th December. What is wrong with that, Mr Speaker? Absolutely *nothing* is wrong with that.

1935 Mr Speaker, *every time* that we come to this House, the hon. Gentleman wants to say ‘That is the quality of the democracy; this is a U-turn Mr Speaker.’ If he wants to do that, Mr Speaker... I am not going to give him any political advice, because (a) he would not take it, and (b) I do not want to help him in his political endeavour. But one thing I will say is that politicians who cry wolf at every session of a Parliament will, in 48 months’ time, have been heard so often that, when they might have something serious to say, people will just say, living in a free society as transparent, open and democratic as it is, ‘*Ahi está Feetham otra vez, diciendo que no estamos en una democracia*’ – ‘There is Feetham again, saying that we are not in a democracy’ – and that, Mr Speaker, just will not make any sense. It will not ring true to anyone who has lived through the past 16 years and the most recent six months, because the quality of Gibraltar, Mr Speaker, I am delighted to say, has improved no end since the new dawn that broke on the morning of 9th December when the GSLP Liberal parties formed Government for the first time in 16 years. (*Applause*)

1945 **Hon. D A Feetham:** I have to say that not even Steven Spielberg holds a candle to the hon. Gentleman in the Hollywood style of the way that he answers some of these questions and the speeches that he actually gives.

1950 Can the hon. Gentleman at least help me with this: how many times has he met with mayors on the other side of the border to discuss the fishing dispute? Or is that something else that I have got to look up in the media?

**A Member:** Yes, yes.

1955 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can call me Spielberg, or he can call me any of the other great directors that one would recognise. It really belies his own position when he gets up and he says, ‘Oh, you’re so Hollywood,’ and then he compares me to a Hollywood director. It is obviously he who is being Hollywood, and what the hell does... What on earth, Mr Speaker... (*Laughter*) What on *earth*, Mr Speaker, does Hollywood have to do (*Interjection*) with a serious debate in this Parliament – at Question Time, which should not be an excuse for debate, where information should be elicited which is not already in the public domain – at now twenty-to-six in the afternoon on the first day of summer?

1960 Mr Speaker, I am prepared to be here, answering questions which elicit information, for as long as the

1965 hon. Gentleman likes, but what I am *not* going to do is stand here to do the hon. Gentleman's work for him. On every occasion that we have discussed issues relating to fishing, the matter has been *reported*, Mr Speaker, as far as I am concerned. So, Mr Speaker, when I discuss issues related to Gibraltar, if the topical issue is fishing, then fishing will have been discussed. I have discussed those issues, on every occasion where it has been relevant, with the mayors.

1970 Mr Speaker, why does the hon. Gentleman want me to come here with a list? How does it advance his understanding of the issues to have a list of when fishing was discussed or was not discussed? What on earth, Mr Speaker, has that got to do with parliamentary democracy? That has got to do, Mr Speaker, with parliamentary listing, which is not what I am here for.

1975 **Hon. D A Feetham:** I will take my own counsel on what information I believe to be necessary (*Interjection*) for the proper conduct of our functions as an Opposition. The reality is that the hon. Member *yet again* is refusing to answer my question, so I will not pursue it.

**Hon. Chief Minister:** I am not refusing to answer his question.

1980 The hon. Gentleman has to get it into his head just because he does not get the answer that he wants does not mean that the Government is refusing to answer his question. He is just trying, Mr Speaker, to create this premise that the Government refuses to answer questions, because then he may be able to go out of here and issue one of his press releases that says, 'They say they're transparent, they say they're open, but they don't answer questions' when, in fact, the question has been answered, it has been answered clearly. The fact is that it is not only *him* that knows every occasion on which I met a Spanish mayor and discussed the fishing; the whole of the community will have known through the media – which is the expression of communication through which politicians communicate with members of the public – on which occasions I met with a Spanish mayor and on which occasions I discussed fishing and other matters.

1985 So it is not a question, Mr Speaker, of allowing him to get away with the suggestion that one is refusing to answer. One has *answered fully*. The information is in the public domain. He knows where it is; he just does not want to go and get it, Mr Speaker. His parliamentary laziness is not going to be visited on this Government as an absence of transparency and accountability. He is paid by the public to do a job. Let him compile the information which is in the public domain, if he wants it, and let him not accuse the Government of refusing to answer, when it clearly has.

1990 **Mr Speaker:** Since there was no – (*Interjection by Hon. D A Feetham*)  
1995 Order! Order! Since there was no question the last time round, I must assume there is no further question. We move to the next question.

**Clerk:** Question 586, the Hon. D A Feetham.

2000 **Hon. D A Feetham:** It is *his* laziness that got him into an awful lot of trouble in recent years – *his* laziness.

**Hon. Chief Minister:** Mr Speaker –

2005 **Hon. D A Feetham:** But I will ask more questions.

2010 **Hon. Chief Minister:** Mr Speaker, on a point of order, the hon. Gentleman is here to ask questions, not to make reflections on any individual. He has just made a reflection about what he says is my laziness. If he wants, Mr Speaker, he can elaborate on that. If he does not, well, in keeping with your ruling and the rules of the House... but here we are to ask and answer questions and nothing else, and he needs to be a little bit less upset, a little bit more calm, and just carry on.

2015 **Mr Speaker:** The Hon. the Chief Minister did say, or use the words the Hon. Daniel Feetham's 'parliamentary laziness'. He did say that, so I understand what prompts that response, but the hon. Member has not referred to the Hon. Chief Minister's *parliamentary* laziness but has directed it at his personal laziness, so let's draw a distinction there. Is it necessary to preface the question with 'laziness'?



**Hon. D A Feetham:** No, of course, and I will accept your ruling.

2020 **Mr Speaker:** Thank you.  
Then please proceed with the Question. Question 586, was it? Yes.

2025 **Kingdom of Spain  
Representations**

**Clerk:** Question 586.

2030 **Hon. D A Feetham:** Has the Chief Minister received any representation, directly or indirectly, from or on behalf of, the Kingdom of Spain on any issue since the General Election, identifying the issue and the person or persons making the representation?

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

2035 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Chief Minister has received many representations, directly and indirectly, on behalf of the Kingdom of Spain and other kingdoms and republics around the world, as I am sure was the case before the General Election of 2011 in respect of previous incumbents of the post of Chief Minister. It is neither possible nor appropriate to provide a list of all those contacts.

2040 The hon. Gentleman can, nonetheless, rest assured that none of the contacts involves the sovereignty of Gibraltar or any issue which touches and concerns any aspects of the sovereignty of Gibraltar.

2045 **Hon. D A Feetham:** Yes, I am not asking about representations from any other country, apart from the Kingdom of Spain, and I am asking about representations from the Kingdom of Spain which obviously relate to representations that the hon. Gentleman may have received on behalf of the central government in Madrid, whether it be directly or indirectly. If it had been directly, I think that we would have found out, but has he received any of that kind of representation, and can he elaborate upon that in this House today?

2050 **Hon. Chief Minister:** Mr Speaker, as I have said, I receive very many such representations from central and non-central governments or entities in the Kingdom of Spain. Mr Speaker, that is, as I understand it, absolutely normal.

2055 It is a very fluid process and, Mr Speaker, I do not think it is appropriate, given what the issues that are being discussed are in those sorts of contexts, that we should be discussing those issues across the floor of the House. If the hon. Gentleman has anything in particular in mind and he wants to raise it with me when we are having that beer, if he ever takes me up on it, then I am happy to discuss it with him.

2060 **Hon. D A Feetham:** I am sorry, but why is it not appropriate for you to provide me with the information? Given that you accept that there have been representations on behalf of the Kingdom of Spain at the level that I have outlined, why is it not appropriate for him to actually provide me with that information? Unless, of course, what he is saying to me is, 'Look, I have received representation about a particular aspect. I don't want to prejudice how that aspect might actually go, and therefore I don't want to provide you with the information. I am prepared to provide you with the information via a different source.'

2065 But then there might be other types of representations that might be perfectly disclosable in this House. I just don't understand why. Can he elaborate on that?

2070 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to what I have said. I have said that it is neither possible nor appropriate. You see, Mr Speaker, this is a very fluid process. Although the hon. Gentleman has said certain things about the way we conduct international diplomacy, the fact is that there is very fluid communication between governments where it is not at a press-release level. Of course, there is. There was, of course, before 9th December as well. It is good that there should be after 9th December as well and it should endure, and there was before 1st May 1996 and there was before whatever happy date it was in March or May 1988 that we first took office.

2075 Mr Speaker, that is the case. It is constant, it is daily, Mr Speaker, and a list is not kept of every communication, because phone calls come in and you are told *x* wants you to know *a, b, c*. You may wish to know *w, x, y*. That is what it is like, Mr Speaker. A list is not kept; therefore a list cannot be given, Mr Speaker. If it could be given, Mr Speaker, I do not think it would be appropriate to give it across the floor of this House.

2080 I would be perfectly happy, Mr Speaker, were it possible to keep a list, which it is not, to say, 'Look, let's establish a convention: whoever is the incumbent will share with the Leader of the Opposition that impossible-to-create list of communications with the Kingdom of Spain and such of the other kingdoms as there may be.' I believe there should be a status like the status of privy councillors where, despite the political divide, people at the top of Opposition and Government are briefed on everything in case a disaster happens tomorrow and our roles are reversed – and I mean a natural disaster, which causes there to be a need for people who are not in government to take over. It could happen, Mr Speaker. Every nation prepares for it, but it is just not possible, Mr Speaker, because it would mean that one would have to have a notebook and a pencil, not just at the level of Chief Minister but at many other levels, to give an answer which is correct, and it is not possible to give that information, Mr Speaker.

2090 **Hon. D A Feetham:** Could he at least answer this: have there been any representations, either directly or indirectly, on behalf of the Kingdom of Spain in relation to, for example, the trilateral process or the Cordoba Agreement?

**Hon. Chief Minister:** What did you say?

2095 **Hon. D A Feetham:** The Cordoba Agreement.

**Hon. Chief Minister:** Mr Speaker, not that I know of, not in respect of those two issues in particular. There have been no communications that have been brought to my attention. Those communications we have had to read in the pages of *ABC*.

2100 **Hon. D A Feetham:** And has he, through the medium of Her Majesty's Government, attempted to open a line of communication in relation to those particular two issues that I have outlined, or is he quite content with just simply the position the Spanish Government has taken, that is announced publicly, and does not intend to pursue anything further in relation to those two areas that I have mentioned?

2105 **Hon. Chief Minister:** Mr Speaker, I think it is a matter of public record, and he should know that this issue has been raised with His Honour His Excellency the Minister for Foreign Affairs of the Kingdom of Spain by the Foreign Secretary in correspondence in consultation with the Government of Gibraltar. That much is also known.

2110

**Defence Lands Adviser post  
Successful applicant**

2115

**Clerk:** Question 588, the Hon. D A Feetham.

**Hon. D A Feetham:** Has the post of Defence Lands Adviser been filled, and who is the successful applicant?

2120

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

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the post of Defence Lands Adviser has been filled by Mr Michael Crome.

2125

**Hon. D A Feetham:** Yes, Mr Michael Crome is the individual that he knew about, who had been associated with this particular post in the rumours that we spoke about a month ago, that he confirmed that he

knew about.

2130 **Hon. Chief Minister:** Well, it appears that he was, Mr Speaker, but he is also the person whom the board unanimously agreed was highly suitable for appointment to the post and who outshone by far the other candidates.

2135 That board, Mr Speaker, was made up by the Financial Secretary, the Human Resources Head of Department, a Senior Executive Officer of the Human Resources Department, who were, I think, a very strong board to determine those issues in respect of the seven applications that were received, one of them having been withdrawn before interviews were held.

2140 **Hon. D A Feetham:** He does not think there is any coincidence at all, or that... Effectively, there is a rumour around town that Mr Crome has been promised the job by the Hon. the Chief Minister – that is doing the rounds – that in fact there is a rumour that the gentleman is saying, ‘The job is mine’ and, lo and behold, he, in fact, is the successful applicant? He does not think there is anything...

2145 **Hon. Chief Minister:** Mr Speaker, if I went on rumours like that, I would have been doing a different sort of Opposition from the time I was elected in 2003 to the time we became the Government in 2011.

Mr Speaker, what the hon. Gentleman is doing in his question is calling into question the integrity of the Financial Secretary, the Head of the Human Resources Department and a senior executive officer of the Human Resources Department. This is a very strong board, Mr Speaker, to consider and make recommendations on all of the applicants.

2150 I do not know what people may have said in the street, Mr Speaker. I know what is reported to the Government and I do not act on rumours, Mr Speaker – I act on facts.

2155 **Gibraltar Health Authority management  
‘Unfit for purpose’ comment**

**Clerk:** Question 590, the Hon. D A Feetham.

2160 **Hon. D A Feetham:** Will the Chief Minister advise the House as to what action the Government has taken, or plans to take, against those parts of the GHA management which, in the run up to the General Election, he described as – and I quote – ‘unfit for purpose’?

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

2165 **Hon. Chief Minister:** Mr Speaker, I will answer with Question 512.

2170 **Gibraltar Health Authority appointments  
Breach of established procedures**

**Clerk:** Question 512, the Hon. Mrs I M Ellul-Hammond.

2175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister for Health concur with the article by his party chairman in the *New People* newspaper on the week of 17th May 2012, stating that the GHA Chief Executive Officer – and I quote – ‘has been appointing and promoting people within the Health Service without adhering to the established procedures and in breach of the requirements to have these appointments and promotions approved by the Governor’; and, if so, can the Minister give us examples of such alleged behaviour by the GHA’s Chief Executive Officer?

2180 **Clerk:** Answer, the Hon. –

2185 **Hon. Dr. J E Cortes:** Mr Speaker, can I ask that a similar Question to the previous one, number 514, be taken at the same time?

**Gibraltar Health Authority  
Management structure**

**Clerk:** Question 514, the Hon. Mrs I M Ellul-Hammond.

2190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us how the GHA's management structure will be changed during this term of office and when the top management posts will be filled by locals, as per the GSLP's manifesto commitment?

2195 **Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer Question 590 and then my hon. Friend will answer the other two, but Mr Speaker, I just wanted to reflect that so much for not asking questions based on what might appear in a newspaper, eh?

2200 Mr Speaker, I am entirely confident – (*Interjection*) Congratulations, well done! Mr Speaker, I am entirely confident that all matters relating to the GHA are being actioned entirely appropriately by the Hon. Minister for Health, including any issues relating to the fitness for purpose of any part of the structure of the GHA that we inherited when we were elected on that happy day on 9th December 2011.

2205 **Mr Speaker:** The Hon. Minister to answer the two questions. We will take the supplementaries together.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will first answer Question 512.

2210 Mr Speaker, for the record, the article in question is not attributed to any author, and therefore it cannot be assumed to have been written by anyone in particular.

There are, allegedly, issues which were identified in 2010 concerning the way in which certain appointments which occurred during the time of the previous administration were processed. There are also concerns regarding a number of direct appointments that were made without any selection procedures, allegedly on the instructions of the then Chief Minister, with the agreement of the then Minister for Health. These and other procedures are being looked into.

2215 In respect of Question 514, the review of the management structure is ongoing and, once complete, an implementation plan will be developed.

2220 **Hon. D A Feetham:** Mr Speaker, I happened to look, before I asked this particular question, to the dictionary definition of 'unfit for purpose', and the definition is 'unqualified, incompetent or incapable of doing the job.'

2225 If what he was saying before the General Election was that the GHA management was unfit for purpose, unqualified, incompetent or incapable of doing the job, does he not agree with me that it is incumbent on the Government to, as quickly as possible, root out that cancer within the GHA management because it is unqualified, incompetent and incapable; and what drastic actions is he taking in order to effectively deal with this?

2230 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that the Home Office in the United Kingdom some years ago was described as being unfit for purpose, (*Interjection by Hon. D A Feetham*) and there I do not know whether anybody set out the dictionary definition as the hon. Gentleman has, but so be it.

The fact is, Mr Speaker, that based on what has been published in the newspapers, a question has been asked, and based on what was said during the Election campaign a question has been asked.

2235 First of all, Mr Speaker, as the hon. Gentleman knows, we are not answerable in this House for the things that we said during the course of the General Election campaign. We are answerable in this House for the things we have done since 9th December. But, Mr Speaker, I want to commend the Hon. the Minister for Health for not acting on rumours and saying in his answer that all of these things are *alleged* and that they are being investigated.

What I did, Mr Speaker, was, I think, absolutely appropriate. You see, it *did* require drastic action. The

2240 people accepted the proposition. They took the drastic action of changing the Government and they put in place a Chief Minister who appointed, as Minister for Health, somebody eminently qualified, competent and capable to deal with all the issues that arise.

**A Member:** Hear, hear.

2245 **Hon. D A Feetham:** I have to say that that answer takes the biscuit in the entire proceedings of this afternoon. Absolutely right? He is thanking the Minister for Health for not paying attention to a rumour that his own Chief Minister started, because the comment about being 'unfit for purpose' was a comment made by the Chief Minister himself, not by anybody else.

2250 **Hon. Chief Minister:** On a point of order, Mr Speaker, the rumour is that which the hon. Gentleman, the Minister with responsibility for Health, has referred to in the article. That is the rumour. Of course, Mr Speaker, I accept that I said what I said during the Election debate, although I am not answerable for it in this House, but I have answered the question, Mr Speaker. The rumour that I was referring to is the one that the hon. Lady refers to in the article which the hon. Gentleman has referred to as allegations.

2255 **Hon. D A Feetham:** Now that he is Chief Minister of Gibraltar, does he think that the GHA management is unqualified, incompetent and incapable of doing the job, which is the definition of unfit for purpose; and can he perhaps provide to this House an outline why he regards the GHA management as being unqualified, incompetent and incapable of doing the job?

2260 **Hon. Chief Minister:** Mr Speaker, he does hold brief for the strangest people.

Mr Speaker, perhaps he does not recognise it, because he was never in a collegiate Cabinet Government, but I am not the Minister for Health. I defer on all such matters to a man who is qualified, competent and capable to assess what – on the... I think it was the Monday – he inherited as his ministry and to determine what should be done in respect of management, nursing and every other aspect of that ministry.

2265 Mr Speaker, frankly, in a situation like this, it needs a different mindset to be able to understand how things are done. We said many things about the way that the Hon. the Leader of the Opposition ran government when he was Chief Minister. None of them have been said behind his back; we have said them all. There was an instance, Mr Speaker, when a previous Minister for the Environment referred to a decision taken as not having been taken by him, but having been taken by central Government, meaning the Chief Minister. Mr Speaker, there is here no central Government. This is a Cabinet, Mr Speaker, of colleagues working together and respecting that each of them have a different expertise and have different responsibilities and I can think of nobody better to have appointed from these 10 men and women here than John Cortes to be the Minister for Health and to make those determinations and fix all of those problems which we identified before 8th December and after 8th December – you know, all those things that were quietly hidden under the carpet so that nobody might see.

2270 **Hon. D A Feetham:** Is the Hon. the Chief Minister now resiling from his opinion that the GHA management, on 9th December, was unfit for purpose?

2280 **Hon. Chief Minister:** Mr Speaker, I know that one is entitled to indulgence, but the hon. Member has had his question answered. The Hon. the Chief Minister said what he said before 8th December and he is saying what he is saying today about how he dealt with it as soon as he became Chief Minister – namely, I had a set of concerns, as Leader of the Opposition and as a citizen, and I dealt with them, Mr Speaker, by appointing the man who I know is best able to deal with those issues as Minister for Health.

2285 If he, Mr Speaker, allows the biscuit to move slightly to my right, he might get some answers of substance on the issues which relate to management, but if all he wants to do, Mr Speaker, is get up here and throw out mantras that he associates with politics, like 'U-turn', 'non-democratic', 'unfit for purpose', then he can carry on because there is no chance of getting to the beach this afternoon, so we may as well call it a day and carry on listening to the same question over and over again.

2290 **Hon. Dr. J E Cortes:** Mr Speaker, if I may just add –

**Hon. D A Feetham:** Well, no. He has answered the question. Now let me – (*Interjection*)

2295 Look, there is huge distinction between ‘having concerns’ – and let’s face it, no system works perfectly  
and there are always likely to be concerns about the way that systems actually work. There are concerns at the  
justice system, there may be concerns with the GHA, and it is right that there should be vocalisation of  
concerns because it is a very important organization for the people of Gibraltar and for this community. But  
2300 there is a huge distinction between having concerns and coming to office and appointing the Hon. Mr Cortes –  
for whom I have a lot of respect – as the Minister for Health and saying, ‘Look, could you please deal with  
these problems?’ and quite another to describe the GHA management as ‘unfit for purpose’, the definition of  
which is ‘unqualified, incompetent, incapable of doing the job.’

2305 Does he not agree with me that the reality of this situation is that when he made those comments, the hon.  
Gentleman was just simply pandering to a certain sector of the GHA that was not content with the GHA  
management and that he overplayed his hand by describing the GHA management as ‘unfit for purpose’?

**Hon. Chief Minister:** He has overplayed his hand now, Mr Speaker, because now he has specifically  
asked me what I was thinking when I uttered those words *before* 9th December – something for which I am  
certainly not answerable in this House. But look, given that there is no chance of getting to the beach, it is six  
2310 o’clock in the evening, let’s just make the rules a little bit elastic. I do not resile from anything I said before  
the General Election because I was not pandering to anyone. That is not the way I do politics, although it may  
be the way that others do.

2315 So, Mr Speaker, I do not agree with the premise of his question, but I gave him a hint, which he did not  
want to pick up. Okay, I will be more explicit. (*Interjection by Hon. D A Feetham*) Yes, indeed, that and  
everything else.

2320 When the Home Office in the United Kingdom was described as not fit for purpose, on the appointment of  
a Minister – not on the occurrence of a General Election, on the appointment of a Minister – from the same  
government that had a previous Minister, that new Minister did not sack everyone in the Home Office. He did  
not close it down because it was unfit for purpose. He started the process of making the changes necessary to  
*make it* fit for purpose. That, Mr Speaker, is what I am delighted to say is the process that began on 9th  
2325 December when I became Chief Minister and the following Monday, when I advised His Excellency the  
Governor that Her Majesty’s Government of Gibraltar, in respect of health matters, would be advised by Mr  
John Cortes as Minister. That is the process that began fixing the broke GHA that we inherited from the hon.  
Gentleman – not the lady, another gentleman, because they were not all here, but from the hon. Member’s  
party when they were in government. That is what you do when things are unfit for purpose: you fix them,  
you make them fit for purpose.

2330 Thank you, Mr Speaker, to the hon. Gentleman. At least there is one issue on which we agree: he accepts  
that he has the utmost respect for the person I have appointed to start dealing with that matter and fix it. If we  
could get on to the supplementaries of Questions 512 and 514, then perhaps he might get a *flavour* of what  
those changes may be.

**Hon. D A Feetham:** If he wants to change places with the Speaker of the House, he is perfectly welcome  
to.

2335 **Hon. Chief Minister:** Mr Speaker, I do not know whether that is a question, an invitation, or what it is. I  
do not know why it is he makes that remark. I think it is totally unnecessary. I think I have answered the  
question that he put, and it was in the negative and I therefore suggested that we should be moving on in order  
to advance the substance of the debate.

2340 **Mr Speaker:** I think the Hon. Isobel Ellul-Hammond has a supplementary, at least one.

**Hon. Mrs I M Ellul-Hammond:** Thank you, Mr Speaker.

2345 Mr Speaker, the Minister for Health has had five months since I last asked him about the GHA  
management restructure in which to look at the whole organisation and consult with UK experts and locals to  
decide on its restructure as per his answer to Question 74 in January’s meeting. Is the Minister in a position  
now to state how you will make the GHA management more functional and effective?

**Hon. Dr. J E Cortes:** Mr Speaker, first of all I have to thank both the Leader of the Opposition and the

Hon. the Chief Minister for their words of admiration and support, particularly –

2350 **Hon. D A Feetham:** I am not the Leader of the Opposition!

**Hon. Dr. J E Cortes:** Well, I think the Leader of the Opposition... Sorry, *Acting* maybe. (**Hon. D A Feetham:** Acting, yes.) The person who, in the Opposition... the Hon. Mr Feetham, who says he has great respect for me, thank you very much, and I would like to thank the Chief Minister for saying such kind words about me. I think he is a great Chief Minister, too! (*Laughter and applause*)

2355 It started this morning with the Hon. Mr Feetham thanking Mr Bossano. I have got to do this now at the end of the day. We all love each other so much!

2360 The past five months, six months, have revealed to me the web of complexity that the Gibraltar Health Authority is and the web of complexity that managing an organisation that I have inherited involves. I will have, I suspect, rather a lot to say about a lot of that during my Budget speech, so I can keep you in suspense, Mr Speaker and colleagues, until then.

2365 I have, indeed, given a lot of thought to the management structure and the process is not yet complete. There are other things that are going to be happening to allow me to have a fuller picture of the way I want to proceed and, as I said in answer to my question, the review of the management structure is ongoing. Once complete, which I suspect will probably be some time towards the end of August, beginning of September, an implementation plan will be developed and announced, but I do not want to go into any details at this point because, again, I am still developing the plans.

2370 **Hon. D A Feetham:** Does he agree with the Chief Minister that, from what he has found out since he has actually been in office, the GHA management that he inherited was unqualified, incompetent or incapable of doing its job?

2375 **Hon. Chief Minister:** Mr Speaker, come on. The hon. Gentleman should know better than to do that. I did not say any of those things. I said ‘unfit for purpose’. He has gone to the dictionary, he has found that definition, and if he wants to say that that is what it means, it is a matter for him. I have not seen the dictionary, but I will take him at least on his word for that, but not for much more. (*Interjection by Hon. D A Feetham*)

What he can put to the hon. Gentleman –

2380 **Hon. D A Feetham:** I will rephrase my question.

**Hon. Chief Minister:** – is that I said it was ‘unfit for purpose’, then the hon. Gentleman can take it from him that that is what unfit for purpose means.

2385 **Hon. D A Feetham:** He is the Chief Minister of Gibraltar, not the Speaker of the House, but I will happily rephrase the question: does he agree with the comments made by the Chief Minister since he has been in office, or what he has found, that the GHA management is unfit for purpose?

2390 **Hon. Dr. J E Cortes:** Mr Speaker, the hon. Member should perhaps check my Facebook page tonight.

**Hon. D A Feetham:** I am not on Facebook, I’m afraid.

2395 **Hon. Dr. J E Cortes:** Mr Speaker, any review of management will involve a consideration of the fitness for purpose of the management and it is not until that responsible review is completed that I will be able to reach any conclusions about that and many other facts and take an informed opinion on the way forward.

**Hon. D A Feetham:** If I may say so, that is a perfectly reasonable answer. (*Interjections*)

2400 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.  
Do not allow the Chief Minister and the Acting Leader to interrupt...

**Hon. Mrs I M Ellul-Hammond:** Yes, they are having a good private conversation

2405 **Hon. Chief Minister:** [*Inaudible*] over a beer... [*Inaudible*] (*Laughter and interjections*)  
**Hon. Mrs I M Ellul-Hammond:** Mr Speaker –

**Hon. Chief Minister:** If it's only one beer, fine –

2410 **Hon. Mrs I M Ellul-Hammond:** No, it's a bottle of wine for my hon. Friend!

**A Member:** A bottle of wine?

**Hon. Mrs I M Ellul-Hammond:** Well, a glass of wine.

2415 **Hon. D A Feetham:** A glass of wine.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker –

2420 **A Member:** I'll have a [*Inaudible*] of whisky!

**Hon. Mrs I M Ellul-Hammond:** – as a supplementary question to Question 512, I am aware that Dr. McCutcheon did receive an apology for the said article in the *New People*. Is the Minister concurring, then, with the article in question, or is he distancing himself from such allegations?

2425 **Hon. Dr. J E Cortes:** Mr Speaker, I am not aware of any apology that anybody may have received – I would just like to say that from the start. I am doing neither. I have said that there have been allegations which are being investigated.

2430 **Hon. Mrs I M Ellul-Hammond:** So the Minister, Mr Speaker, is at present concurring with the article until further –

**Hon. Dr. J E Cortes:** No, I –

2435 **A Member:** It is being investigated.

**Hon. Dr. J E Cortes:** There have been allegations, which were identified in 2010, concerning the way in which certain appointments occurred and so on, as I said earlier. There have been other allegations regarding selection procedures which have allegedly nothing to do with the Chief Executive but with the then Chief Minister, and these and other procedures are being looked into.

2440 That is what I said in the answer and that is what my answer remains.

2445 **Procedural**  
**Adjournment motion passed**

**Hon. Chief Minister (F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 22nd June at 3.00 p.m.

2450 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 22nd June 2012 at 3.00 p.m.

I now put the question, which is that this House do now adjourn to Friday, 22nd June 2012 at 3.00 p.m.

Those in favour. (**Members:** Aye) those against. Passed.

2455 **Hon. D A Feetham:** Mr Speaker, this is a vote on the adjournment, but is there any reason why... and I notice that it has happened now twice – last time round and this time... Is there any reason why we are adjourning until 3 o'clock tomorrow and we cannot adjourn until half past nine tomorrow to continue with the



questions?

2460 **Hon. Chief Minister:** Mr Speaker, I understand it was on the timetable. The hon. Gentleman will know that the Civil Service finishes work at 2.30 pm, so in the interest of the Government doing as much work as possible from eight to two-thirty and then having a short lunch break before coming here to continue with the Question Time, I think it makes perfect sense, Mr Speaker.

2465 I may add, without revealing any confidence, that the hon. Gentleman met with me and the Deputy Speaker in my office some time ago. We discussed issues relating to timetabling. The hon. Gentleman and the Leader of the Opposition were going to, I believe, write to me and to the Deputy Chief Minister, and we have not received any document in respect of such timetabling, so we are proceeding on this basis, which I think is the best, which is what we discussed with him and the Leader of the Opposition at the time, Mr Speaker.

2470 **Hon. D A Feetham:** Well, no, I do not recall that those were the discussions. I do not want this to be... What we discussed was, and we agreed, that we would deal with parliamentary sessions within the two days – it would start on the Thursday and would end on the Friday – and that Thursday afternoon would be the Chief Minister's Question Time.

2475 The problem that we have with Parliament being adjourned to the Friday at 3.00 p.m. is that invariably what happens is that we then have adjournments to the week after and, in fact, on the last occasion we had the Wednesday, the Thursday afternoon, the Tuesday of the week afterwards and also onto the Friday, and we take the position that it is certainly in the best interests of how we conduct proceedings in this House to attempt to deal with parliamentary questions and answers over two days.

2480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that when we were sitting on that side of the House we did not have any say on when things would happen; nor would we have been told until the end, perhaps, of this Question Time when the Budget might have been, let alone be given notice of the fact that Parliament is going to meet on the third Thursday of every month, that it is not going to meet at nine, it is going to meet at 9.15am when we open, and had known, as from yesterday at least, if not this morning, that it was going to come back on Friday at three.

2485 So, Mr Speaker, I think we are doing much more than we need to do to accommodate the hon. Members, but if what the hon. Gentleman is saying to me is that he wants to come to Parliament *less*, he needs to understand that he is paid by the people of Gibraltar to come to Parliament to ask questions, and if we wanted to open ourselves up to scrutiny for an hour a day he might want to come on the 20 working days a month, and that is his obligation. It is a matter for him what he does.

2490 The position is, Mr Speaker, that we are adjourning to three o'clock tomorrow – we have got very few questions left – in order to try and deal with Question Time and wrap it up tomorrow.

2495 Last time, Mr Speaker, he will know that when we came back the following week we came back because Ministers were travelling, not because Question Time was getting too long. It was as a result of a travel schedule.

But I take on board the fact that he wants to come to Parliament *less*, he wants to appear here in exercise of his function – which he has been elected to discharge by the people of Gibraltar – *less*, for whatever reason it may be.

2500 **Hon. D A Feetham:** I think that the hon. Gentleman is being very ungenerous, but then again I would not expect any kind of generosity emanating from the hon. Gentleman.

2505 It is not that I want to come back to this House *less* – it is not about that; it is about a more efficient way of dealing with questions and answers. I thought that, given this new policy that the Government has introduced, they would listen to the Opposition's views in that regard, and I believe that it is actually more efficient to deal with questions and answers over two days, rather than doing it over three or four days. But, look, if these changes are artificial and the hon. Gentleman is not going to be taking into account our views and he is going to be characterising our genuinely expressed views as a desire on our part not to come to this Parliament as many times, that is up to him.

2510 **Mr Speaker:** But is it –

**Hon. Chief Minister:** Mr Speaker, what is artificial about the fact that Parliament is meeting every

2515 month? What is artificial about the fact that when we met, Mr Speaker, he and the Leader of the Opposition were going to write to us with what they thought was the best way to deal with it (*Interjection by Hon. D A Feetham*) and he has not, and they have not written to us, Mr Speaker.

2520 Therefore, if it is working well, we are going to continue working as it was working, (*Interjection by Hon. D A Feetham*) which is Thursday and Friday – and last time, Mr Speaker, when it spilt over, it spilt over because Ministers were travelling. So, Mr Speaker, either he does not like to work on Friday afternoons (**Two Members:** Yes!) or what is it that he is talking about? (*Interjections*)

Mr Speaker, I have moved the adjournment.

**Mr Speaker:** Order!

Yes, exactly, and I –

2525 **Hon. Chief Minister:** I have moved the adjournment.

**Mr Speaker:** Order!

2530 **Hon. Chief Minister:** What is the position?

**Mr Speaker:** It is not at all usual to have a debate on a motion for an adjournment. In fact, it is the first time, almost eight years down the road and (**A Member:** Eleven!) the third-from-the-last sitting... It is the first time it has had a debate. It is not usual to have a debate.

2535 The Hon. Daniel Feetham asked why three o'clock and the Hon. the Chief Minister has given his explanation for three o'clock. I hear what was said, but these are matters best dealt with behind the Speaker's Chair, not on the floor of the House.

I have put the question, I have heard the voices, and I declare the motion as passed.

This House will now adjourn to Friday, 22nd June 2012 at 3.00 p.m. I look forward to seeing all of you then.

*The House adjourned at 6.18 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.00 p.m. – 6.57 p.m.**

**Gibraltar, Friday, 22nd June 2012**

## The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

**PRAYER**  
*Mr Speaker*

## Questions for Oral Answer

### HEALTH AND ENVIRONMENT

**Gibraltar Health Authority**  
**Mandatory registration of doctors**

**Clerk:** Sitting of Parliament, Friday, 22nd June. Answers to Oral Questions continue.  
Question 510/2012, the Hon. Mrs I M Ellul-Hammond.

5 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us how the new mandatory GMC registration of all doctors in the GHA will work?

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

10 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government is giving urgent attention to a review of the medical regulatory framework for Gibraltar, as the current legislation is largely unworkable.

As stated in my reply to Question 276/2012, contact is being established with the GMC. In order to make such discussions fruitful, we have now begun a process of reviewing the legislation and making it more practicable, a necessary step in being able to move this commitment forward.

15 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Minister suggested in March, in answer to Question 276, that in a couple of months' time 'if you ask me again, I will have some indication as to information', so could the Minister supply us with a little bit more information as to timescale and the detail in the document?

20 **Hon. Dr. J E Cortes:** Mr Speaker, the problem has been that, as we have tried to move this forward, we have come across quite a large number of – how shall I put it? – quite a large number of provisions in the Medical and Health Act which are difficult to implement. They are a result of, possibly, implementation of EU regulations without them having been dovetailed to existing local legislation and there are a large number of issues which need to be altered. We will have to make considerable amendments to the Act before we can move forward in how we regulate doctors.

25 I have about two pages to justify what I have just said – I am not going to, on a Friday afternoon, read them all unless I am asked to do so, but it does require the actual Act being amended and that is what is holding us back. We are having legal draftsmen looking at it and we will be doing this in parallel with talking with the GMC. There is not much point in talking with the GMC when the local legislation is, actually, so confused.

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35 **Gibraltar Health Authority  
Consultants' contracts**

**Clerk:** Question 511, the Hon. Mrs I M Ellul-Hammond.

40 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us if he is now in a position to sign a GHA Contract with the consultants and what features will the contract include?

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

45 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the Government is in the process of finalising a new offer to the consultants.

Contact on this has already been initiated with the consultants in advance of formal negotiations. As negotiations have not been completed, it would not be appropriate to disclose any specific features.

50 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when will the consultants be presented with the draft contract to consider and then to negotiate with yourself?

In answer to Question 274 in March you stated that 'the draft contract is now ready and we hope to be starting negotiation within a number of weeks only.'

55 **Hon. Dr. J E Cortes:** Yes, indeed.

We have had the first contacts with the consultants on an informal basis so we can identify the main issues that we think both sides have to tackle, which is helping us tweak the contract a little bit further, with their full knowledge. This tweaking should not take long but I am not going to commit myself exactly to how long or short that is going to be.

60 So the process has started, but we have not actually presented a formal contract because we are trying to pre-empt possible difficulties so that our formal negotiations will be able to proceed much more smoothly and I can say that we are making progress.

65 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that, as from the end of July, all hospital doctors are to enter Provident Fund 2 and the 25% gratuity for contract workers will be replaced by a 10% employees' contribution and 10% employer's contribution into this Government Pension Fund, with a net effect of a reduction of between 15 and 20% salary for the contracted consultant?

**Hon. Dr. J E Cortes:** Mr Speaker, this is part of the tweaking that I have been referring to.

70 **Hon. D A Feetham:** Can you give more information about the tweaking?

In what direction is the tweaking going to be? Is the tweaking going to be in the direction of retaining the 25% of gratuity or is the Government, as a matter of policy, committed to the transfer of consultants from the 25% gratuity to the Provident Fund No. 2 Pension Scheme?

75 **Hon. Dr. J E Cortes:** If it is a matter that is actually in discussion, I do not think it is appropriate to publicly announce the way these discussions may or may not go, so I am afraid that I am not able to give that information.

In any case, I do not think – well, it could be a legitimate supplementary but, as I say, and as I answered in the main answer, it would not be appropriate to disclose any specific features.

80 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the implementation date for the end of July?

**Hon. Dr. J E Cortes:** As I say, we are holding informal negotiations in advance of formal negotiations and, therefore, we do not have an agreed implementation date.

85 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, are you considering how the hospital doctors who are still on contract, how they will recover the loss of pensions for the years they have already worked?

90 **Hon. Dr. J E Cortes:** Mr Speaker, I repeat – these are matters which may or may not be under discussion and I am not going to reveal this because it could compromise the outcome of these discussions. I do not think I can be expected to give that information at this point in time.

95 **Hon. D A Feetham:** Can I ask the hon. Gentleman if there any consultants who refuse to sign a contract which they consider to be a variation of their existing arrangements, in particular in relation to pensions? Because the Minister will appreciate that actually moving from a situation of a 25% gratuity to the Provident Fund No. 2, with contribution by the employee of 10% and the employer of 10%, does have a material effect on what that consultant is actually going to be getting at the end of the day.

Now, can he confirm to this House today that if there is a consultant who does not want to shift to new arrangements that he is not going to be forced to do so?

100 **Hon. Dr. J E Cortes:** Mr Speaker, I have learned a number of things in the last few sittings in Parliament, the first in my life, and one of the things I have learned is that I do not need to answer hypothetical questions, and that is very clearly a hypothetical question!

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**Gibraltar Health Authority  
New Hospital appointments**

110 **Clerk:** Question 513, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the third Consultant General Surgeon, and Associate Specialist Orthopaedic Surgeon, two A & E non Consultant

Hospital Doctors or NCHDs and two General Medical NCHDs Consultants are expected to be in post?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr Speaker, successful candidates are expected to commence in the following posts as follows:

120 Third Consultant General Surgeon – Monday, 3rd September, 2012  
Associate Specialist in Orthopaedics and Trauma – same date, 3rd September 2012, subject to a written acceptance of the offer of appointment – there has been a verbal acceptance, we are awaiting, and at the time this was drafted it was imminent.

Non-Consultant Hospital Doctors in Accident & Emergency – both commenced employment on Wednesday, 6th June 2012

125 Non-Consultant Hospital Doctors in General Medicine – Monday 6th August this year and Monday 13th August respectively.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the third General Surgeon Consultant who is starting employment on 3rd September the one who was selected as the first choice after the interview process?

130 **Hon. Dr. J E Cortes:** Mr Speaker, I do not get involved in the selection process. I do not have that information, I would need notice. I honestly have no idea; I do not get involved, as Minister, in the selection of clinicians. (*Interjection*)

135 Yes, indeed Mr Speaker, as has been pointed out – and I am grateful – presenting information as to what choice you were on a selection panel might be something that is not correct to present, in any case, but I am glad to say that, regardless of that, I just do not know the answer.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I was just under the impression, as a Chairman of the GHA Board, he would have been given that information: in fact, it outlines in the Board's documents, of the last GHA Board, that the Consultant General Surgeon, Mr Ezzat Tadros would have been commencing employment on 9th July and I wondered if the Minister could verify that I have heard that a third Consultant General Surgeon who had originally accepted the job has now declined because of the conflict in the contract details, and seeing that the Minister has presented us with a new date which is different to the one in the Board papers – my query is – is it still Mr Ezzat Tadros or is it a new Consultant from the interview process?

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145 **Hon. Dr. J E Cortes:** I believe it is Mr Tadros but I would need to confirm that. But that is the name that certainly rings a bell.

150 I do not know where the hon. Lady has got her information, nor do I need to know, but certainly the name rings a bell but I would have to confirm that – I believe it is Mr Tadros. It could be that Mr Tadros, or whoever said they were coming in July for personal or other reasons may have postponed until September, which is a perfectly legitimate and normal thing to happen when somebody is moving home to take on a new job. I do not think that we need to get any implication necessarily out of the change of date.

155 **Hon. D A Feetham:** Well, you see, the information that the Opposition has, and remember that, perhaps, the same people that used to come to them when they were on this side of the House, now come to us, at College Lane.

160 May I ask the Hon. Minister this – the information that we have is that this particular surgeon was offered terms which included the 25% gratuity and he accepted the job, and in fact he had made arrangements to come to Gibraltar on those terms and, all of a sudden, the Government then decided, well no, now we are going to be moving and shifting to a situation where you have a Provident Fund No. 2, with a 10% and a 10% by the Government and that in those circumstances, this particular chap said 'Well, no. Look, you are unilaterally varying the offer that was made.' Does the Hon. Minister know anything about that at all?

165 **Hon. Dr. J E Cortes:** Mr Speaker, nobody could have ever have come to me while in the Opposition, as I have never had the distinction of being in Opposition.

It would seem to me that if that was the case and it is the same Mr Tadros, then obviously he is happy to accept, so I do not have anything further to add to that.

170 Certainly, one has to bear in mind that I suspect – in fact, I *know* – that the vacancy was advertised some time last year, before there were any changes in pension. I do not know whether that has had any effect but, again, I have not been asked about individual conditions of employment of specific people – I have been asked when are these people starting.

175 If the Opposition wants to know specific details, if I am asked the question I can provide them, but I do not want to delve into my memory because then I can be accused of misinforming the Parliament and the Opposition is trying to get me to go into memory over things that I have not prepared, so I have to qualify all these points that I have, in good will, wanting to respond. But if there are specific details that are wanted of this third Consultant General Surgeon, other than to celebrate and congratulate us all in the fact that he is going to be starting, if I have notice then I will provide the information. I am not going to speculate any more.

180 **Hon. D A Feetham:** Yes, but it is not a question of celebrating. We celebrate the fact that, yes, we have a Consultant Surgeon. It is the fact that what we have, and I do not think it is this particular surgeon, it is the person that actually accepted the job prior to this particular gentleman...

185 Now, of course, he is responsible as the Minister for Health, for general policy within the Health Service. Can I ask the hon. Gentleman to perhaps make enquiries about this? Because if you have a situation whereby a surgeon has been offered a job on particular terms and, all of a sudden, when the guy has already made the arrangements – and this is coming from very good sources to the Opposition – then there is a change – well, it does not appear to be proper management, and the question I am asking – will the Hon. the Minister for Health at the very least make enquiries about that? If that is the position, at least make sure that it does not happen in the future, and that people's terms are not varied in the future?

190 **Hon. Dr. J E Cortes:** Again, Mr Speaker, we are assuming that this surgeon is not the same surgeon as before without me having had notice to check whether it is or it is not, even though, as Chairman of the Health Authority, I do not think it is correct that the Chairman of the Health Authority should decide what surgeon is or is not selected when it is a clinical appointment and therefore, we are speculating.

195 Ask me a specific question and I will give a specific answer. I cannot answer that question.

**Hon. D A Feetham:** I have asked you a specific question, and with respect this is not about clinical decisions. (Interjection) It is about a decision that has been taken by the organisation that you head, as a Minister.

200 Now, the information that *we* have – and I appreciate the hon. Gentleman has said, 'Look, I do not have the information in front of me' – the information that we have is that the job was offered on specific terms, it was accepted on specific terms, it was varied after this gentleman had actually made arrangements to come to Gibraltar, and then he said, 'Look, I am not interested in coming.'

205 All I am asking is – I do not want to be controversial – will the Minister, at the very least, just check that, to see whether that is the case, so that in future, we do not have situations where people's terms are varied *after* they have been offered and accepted a particular job? That is all. I am asking whether he will *look* at it.

210 **Hon. G H Licudi:** Mr Speaker, the hon. Member has said that he has not got the specific information and he would need notice. But the hon. Member opposite is presumably talking about contractual arrangements. The issue would be determined by whether a contract has been signed or not. If the contract has not been signed, and then someone does not wish to come and accept a contract on the terms that it is offered – and without wanting to go into speculation, and I am not talking about this particular case – but the hon. Member says this must not happen in the future. Well, what is going to happen in the future and what is always going to happen is that, at some stage, a specific contract with specific terms is going to be offered for signature, and upon that contract being signed, then there is a contract of employment. That will be the basis upon which the employment takes place.

215 I do not know what has happened in this particular case, but there is nothing to change. That is the procedure and that is what is going to continue in the future.

220 **Hon. D A Feetham:** With respect to the hon. Gentleman, that is *precisely* what should have happened now! This gentleman, the information that we have is... (Interjections) Of course! If you make an offer to somebody and somebody accepts it, well, that is the end of the matter. You do not vary it afterwards.

Now, all I am asking is will the Hon. Minister make enquiries to check, so that this does not actually

225 happen in the future? You may say that, in the future, people will just be offered a contract: well, look, they may be offered a contract, as this man has been offered a contract, but the terms have been varied after he has accepted it.

I am asking him, will he please look into it?

**Mr Speaker:** Order, order.

I will allow the Hon. Minister to answer that. Can I just assist him in narrowing the discussion?

230 I think the question boils down to, from the Hon. Daniel Feetham, would the Minister look into the matter? At that point, I think the question stops there.

The rest of the... what is the opposite of preamble? The suffix to the question – ‘so that this does not happen in the future’ – all that is subject to facts being established, which the Minister says he has not established. I think that is what the Hon. Gilbert Licudi was saying.

235 **Hon. G H Licudi:** Yes, that is precisely the point. But we can go further, Mr Speaker.

One thing is establishing the facts and if the hon. Member had asked a factual question, then the hon. Member on this side of the House will check the facts and will establish the facts; but then the hon. Member goes further than that and says ‘so that it does not happen again’ – suggesting that what has happened is improper.

240 We do not accept for one moment that what has happened is improper, and we are certainly not going to go into legal arguments as to whether offer, acceptance, at what point, contractual and all that. The hon. Member says, ‘This should not happen’, but we do not accept that anything inappropriate has happened, so if the issue is only establishing facts, then we are happy to do that.

245 **Mr Speaker:** I think that helps everyone.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister meet with his executive regularly – on a weekly basis, for instance – on update of matters?

250 **Hon. Dr. J E Cortes:** Mr Speaker, that is *no way* a supplementary to this Question!

However, I will tell the hon. Member that I have regular meetings with members of the executive on an ongoing basis, in which they update me on matters that I need to be updated on. I am not the kind of Minister or Chairman that interferes in the minutiae unless, of course, I have to get involved, out of interest or sense of duty but, of course, I have regular contact with the executive.

255 But I do not need to answer that, but I thought I would offer the information. Of course I meet with them!

**Mr Speaker:** I agree that supplementary was not in accordance with the rules – a question which arises from an answer given – but the hon. Lady having asked it, the Minister could have declined to answer, but having answered it, well...

260 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am very grateful for that and very grateful to the Minister for that.

265 I just wanted to establish that the relationship is there, obviously, and if he was aware that, among GHA management, they feel there has been embarrassment caused in their dealings with the Consultants and with the offers made to certain hospital doctors and the contract conditions having changed from a 25% gratuity on termination into the Provident Fund 2 – and the sense that contracts have been changed unilaterally, without consultation. Is he aware that the GHA management is concerned and has felt embarrassed in having to deal with a change in contract and terms, when jobs have been offered to certain hospital doctors?

270 **Hon. Dr. J E Cortes:** Who says that?

**Hon. Mrs I M Ellul-Hammond:** GHA management and the Medical Directorate.

275 **Several Members:** *Who?*

**Hon. Dr. J E Cortes:** Mr Speaker, is the hon. Lady asking me whether the Medical Director is



concerned? (*Interjections*)

280 **Mr Speaker:** Order! Order!  
The Hon. Minister is answering and I am trying to hear.

285 **Hon. Dr. J E Cortes:** I met with the Medical Director this morning at 9 o'clock, and he certainly did not express any such concern to me – and I do not have to answer that question.

**Hon. D A Feetham:** Well, I have had concerns expressed to me by a renowned Consultant in the hospital. I know that the hon. Gentlemen are going to be bringing whistle-blowers' legislation to this House, so I do not have to reveal the source, but he is a renowned consultant within the hospital, and he has told me that he feels very concerned that his contract... that the GHA is attempting to change his contract unilaterally.  
290 Does he know about any concerns from Consultants in that regard?

**Hon. G H Licudi:** The hon. Member will reply to the question, but on the point on whistle-blowers' legislation which the hon. Member has said, that is indeed the case, but the hon. Member need have no concern in relation to that because, unlike the previous administration, where there *was* retaliation against employees where concerns were raised, we do not take that stance. We actually welcome employees coming to us and raising concerns about matters which affect the workplace.  
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So quite apart from the protection, which the whistle-blowers' legislation will provide to employees who disclose, in the public interest, certain matters, we actually welcome employees coming forward with matters of public interest and which concern the Government.  
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**Hon. D A Feetham:** I am glad that the hon. Gentleman feels that way, but I have to say that, given the way that a number of individuals have been treated and heads have been chopped off, (*Interjection and laughter*) I have to say that often it reminds me of the words of *Alice in Wonderland*, 'They are awfully fond of beheading people around here. There is little wonder there is anyone left alive.'  
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**Hon. Dr. J E Cortes:** Mr Speaker, yesterday the hon. Member was accusing us of not chopping off enough heads! (*Laughter*)

310 Answering the point about 'renowned consultants', there are many Consultants renowned in other ways, because I have regular contact with them, in fact on a regular basis in my office, and some of them actually remarked that, after years of work, it was the first time they had ever been into the Minister's office, I must say.

I am aware of concerns, which is precisely why we are having informal discussions, prior to placing a *fait accompli* contract in front of them, so we can address any concerns that there may have been.

315 Mr Speaker, I can actually say that, for the first time in many, many years, I am certainly making a concerted attempt to have the Health Authority properly run.

**A Member:** Hear, hear.

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**Accident and Emergency self-referrals  
Average waiting time**

325 **Clerk:** Question 515, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain the A & E procedure for patients when they self-admit for accidents or emergencies and what the average waiting time to be seen is?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the process is:

(1) attended by receptionist between 8.00 a.m. to 8.00 p.m., Monday to Friday; out of hours and weekends, this is covered by nursing staff;

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(2) personal details obtained and, if there are no injuries, noted;

(3) seen by the triage nurse, who asks what is wrong, does the observations; then there is a triage which gives a number or category.

Bloods may be done by the senior nursing team if placed in the triage, and then referred to doctor with the triage category.

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Then depending on the category, we adhere as much as possible to the NHS Standard Waiting Times which are:

Code Red (category 1) to be seen immediately – no waiting;

Code Orange (category 2) to be seen within 10 minutes;

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Code Yellow (category 3) to be seen within 60 minutes;

Code Blue (category 4) to be seen within 120 minutes;

Code Green (category 5) to be seen within 240 minutes.

Obviously that is the upper limit. The attempt is to see them earlier than that.

I am still not satisfied that the system I inherited is working well enough and, together with the A & E Committee, I am looking at ways of further reducing waiting times. Factors which have been identified to me and which have been tackled include:

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λ bed occupancy problems – nowhere to put the patient – which have been addressed with Calpe Ward and other initiatives;

λ A & E doctors staffing numbers which have been increased by one. There are now 7 for the first time.

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λ design changes in the A & E which have been suggested and are now progressing; and

λ the Medical NCHD levels which have been increased.

**Hon. Mrs I M Ellul-Hammond:** I am grateful for that.

Mr Speaker, is a receptionist in the waiting room at *all* times, in order to reassure patients and manage them?

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**Hon. Dr. J E Cortes:** I am sorry, I did not hear....

**Hon. Mrs I M Ellul-Hammond:** The receptionist – is she or he in the waiting room at all times?

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**Hon. Dr. J E Cortes:** Mr Speaker, there is a receptionist who is employed from 8.00 a.m. to 8.00 p.m., Monday to Friday. That is a situation that has been inherited and we are looking at whether we need... or how we are going to improve that situation. Whether they are at reception all the time or occasionally take comfort breaks or otherwise... I am not there.

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It seems to me that I am almost expected to be baby-sitting every employee in the Health Authority. With 1,000 employees, I probably have to be in this Parliament for longer than the Hon. Mr Bossano to be able to achieve that. *(Laughter and applause)*

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#### **Primary Care Centre repeat prescription service Procedure**

**Clerk:** Question 516, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us how the GHA's new repeat prescription service at the Primary Care Centre, which does not require taking up an appointment with a GP, will work?

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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, we are currently considering the different models of repeat prescription and the requirements of such a service. A working

390 group, comprised of General Practitioners, staff from the Prescription Pricing Advisory Unit and members of the primary care management team is carrying out the study, in keeping with our manifesto commitment of involving clinicians in developing policy and procedures.

I have already expanded the prescribing role of Nurse Practitioners, which will be implemented very soon. This was, Mr Speaker, gazetted last week, so Nurse Practitioners will now be able to sign prescriptions, which is the first step in moving this forward.

395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister suggesting that perhaps a Nurse Practitioner will be assigned to just dealing with repeat prescriptions?

400 **Hon. Dr. J E Cortes:** Once again, we have a working group which involves clinicians who are coming up with their recommendations. Nurse Practitioners will now be able to form part of the solution, but they will not necessarily be the only solution, and I cannot commit myself to what exactly the outcome of this will be.

I am not going to impose a programme on anybody, without first giving this working group, which has broad representation, the opportunity to come up with what they think will work best in the environment in which they work.

405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister have an idea when the working group will be coming up with a proposal?

**Hon. Dr. J E Cortes:** No, sir.

410 **Hon. Mrs I M Ellul-Hammond:** And, finally, Mr Speaker, does the Minister know if they will be considering extending the repeat prescription system that exists for children with chronic conditions who attend specialist clinics at St Bernard's Hospital?

415 **Hon. Dr. J E Cortes:** Mr Speaker, that again is a complex supplementary, because there are all sorts of matters there. I have not got a view or information on that, I am awaiting that this working group responds on all matters.

If there is a particular concern regarding children, then I will make sure that the working group places that on their agenda.

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**GHA Finance & Procurement Directorate  
New HEO in post**

425 **Clerk:** Question 517, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the new HEO for the Finance & Procurement Directorate of the GHA will be in post?

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

435 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the closing date for applications for various vacancies at the HEO grade, including the HEO for the Finance & Procurement Directorate of the GHA, was Friday, 15th June. An interview board will be convened in due course.

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**GHA Procurement and Stores  
Concerns, risks and implications**

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**Clerk:** Question 518, the Hon. Mrs I M Ellul-Hammond.

445 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as part of the GHA's Director for Finance & Procurement's report for the GHA Board on 31st May, under 'Procurement and Stores Restructure', he states, and I quote:

'Stock control, security and the frontline management in stores continue to be very serious concerns and a risk (that if not addressed permanently) could have serious financial and patient care implications.'

450 Can the Minister for Health tell us what the risk, financial and patient care implications are and how he will be addressing them?

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

455 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the GHA stores have long suffered from inadequate resourcing and failure to address longstanding problems. This includes both Human Resources and Information Technology.

460 In the 21st century, the lack of a computerised stock system could result in supply failure with consequent results impacting negatively on patient care. Staff need to be supported by up-to-date systems and with this view, the GHA has completed a full review of the stores function and is now proceeding with its implementation.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give us details of the review, please?

465 **Hon. Dr. J E Cortes:** First of all, Mr Speaker, I will say that the deficiencies were identified during the term of the previous administration. I do not have all the details here, but it will include re-grading of some of the staff involved in the running of stores, and introducing a number of systems which will allow stock control and cross-checking to be improved.

470 Once we have been able to solve the Human Resource aspects, then, as part of the general thrust to include Information Technology, we will be moving towards Information Technology as a way of stock control.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm if he will be employing more individuals for that Department?

475 **Hon. Dr. J E Cortes:** Mr Speaker, as I recall, the Department is wider than just the stores and it is also the administration that goes into it. We are going to be re-designating the responsibilities and gradings within the stores themselves and providing more support.

480 So indirectly... although perhaps not actually on the ground, as there should be more human resources that will be dealing with stores, but that might not necessarily mean that there are going to be more people actually in the stores putting or taking things off the shelves, because the resource limits also have to do with how that is administered.

485 **Occupational Therapy  
Outstanding repairs/refurbishment in properties**

**Clerk:** Question 519, the Hon. J J Netto.

490 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state how many outstanding reports there are, originating from the Occupational Therapy Department, for repairs/refurbishment to be undertaken in: (a) Government flats; (b) co-ownership flats; and (c) private sector properties; and the cost of the works and equipment per report?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I must point out that Occupational Therapy (OT) does not involve itself in the actual repairs or refurbishment, but in assessing and

recommending environmental alterations in response to disability.

500 Part (a): the first part Government flats, there are 36 jobs on the Housing Agency list that have been subcontracted out and are being processed. This means that their OT reports are up to date and the equipment/fittings required have been ordered.

Eight more cases have been identified as pending by OT and have been highlighted to the Housing Agency, awaiting a plan of action; nine other cases are being processed by the Housing Agency; 14 new cases have just been sent to the Housing Agency and these are completely new referrals.

505 The total, adding that up, stands at 67. The oldest cases stretch back to 2009.

The community waiting list for assessment now stands at a different 41 cases. This does not include, either, Albert Risso. To summarise these, there are 17 cases identified from the beginning of the occupation of this building as having environmental issues. These have now had OT reports carried out and these have been handed over to JBS, who have been commissioned to carry out these works.

510 Some new referrals to Albert Risso are now included in the 41 in the community waiting list.

There is at present no system for refurbishment of private or co-owned properties.

Regarding costs, as the requests are outstanding, there are no costs available. Costs will be available once the work has been carried out.

515 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, when the Minister speaks about 41 on the community waiting list, is he referring to houses which are in the co-ownership scheme?

**Hon. Dr. J E Cortes:** No, Mr Speaker, these are not related to where they are, but related to the list that the OT has waiting for assessment out in the community. Those have not been divided into your categories.

520 The ones I divided into categories are the actual outstanding jobs. These 41 I have added for your benefit are ones that have not yet been processed and therefore I have not recorded them as outstanding.

**Clerk:** Question –

525 **Hon. J J Netto:** Can I ask a further supplementary question?

For the sake of clarification, when the Hon. Minister speaks about costs, is he referring just presumably to the cost involved by way of purchasing equipment, but not necessarily the cost by way of alteration in particular Government property or any other property outside?

530 So is he clear? When he talks about cost, he is separating the purchase of equipment, either for medical or disability issues, against construction costs for alteration of a property. Can he make that clear?

**Hon. Dr. J E Cortes:** Mr Speaker, the question that has been asked by the hon. Member: what I have said is that the question was on *outstanding* reports, therefore if they are outstanding, the works have not been completed, so I do not know the costs.

535 I will put it back to the hon. Member that if he wants to distinguish between equipment and refurbishment, then if he asks that in the future, once the jobs have been done, then I could attempt to get the information divided out but really; it is not up to me but up to him, because he has, after all, asked the question.

540 **Hon. J J Netto:** I think that the hon. Gentleman also mentioned, if I understood him correctly, that there were a number of reports which have been outsourced, not necessarily to the Housing Works Agency. I think he mentioned something to that effect. What I would like to clarify: whether if some works have been outsourced for the works to be carried out outside the Housing Works Agency; if that is the case, to whom has the work gone – to JBS or to somebody else?

545 **Hon. Dr. J E Cortes:** Mr Speaker, in the answer I was very specific to say that it was Albert Risso House which were cases that we thought needed to have fairly rapid assistance and those were handed over, according to the information I have been provided, to JBS.

550 **Hon. J J Netto:** So, do I take it, then, that all the reports that there are, are either already done, prepared and have been channelled across to the Housing Agency, done by the OTs, in the OT Department of the GHA, all refer to Government flats? No OT report may refer to a co-ownership, perhaps somebody living in Gib V or in Harbour Views or Montagu Gardens. Are we saying that all those reports, *all* of them, are in relation to

people who are living in Government flats? Is that the case or not?

555 **Hon. Dr. J E Cortes:** Mr Speaker, I am assuming that if they are jobs that have been given to the Housing Agency, that would be correct. That is an assumption; I can go back and check it, to see whether the information is not as clear as has been presented here. It certainly does not include... In fact I did say, yes, I did say it – that at present there is no system for the refurbishment of private or co-owned properties based on OT reports. So I did say that.

560 So you are correct, these must be houses, yes.

**Hon. J J Netto:** I am not quite sure that is necessarily in place. I do recall that there were referrals in my time, certainly, of people who needed alteration, I think it was in Gib V, Sir William Jackson Grove, so there is a system in place – not an elaborate system, I would say, but certainly there was a system of getting a report and getting the works done.

565

**Hon. Dr. J E Cortes:** Mr Speaker, I have dealt with at least one, but they are on an *ad hoc* system, based on urgency of need, yes. Rather than a routine system, it is one which is considered on its merits but, yes, in that respect, yes, not a system but there are possibilities of making exceptions.

570

**Gibraltar Sponsored Patients  
Assistance from Gibraltar House, London**

575

**Clerk:** Question 520, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health tell us how the Gibraltar House in London will be improving the way it assists Gibraltar Sponsored Patients?

580

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, currently the role and duties performed by the Gibraltar House in London remain unchanged. They continue providing the ongoing service to some of our sponsored patients, such as paying some sponsored patients and escorts their maintenance and travel allowances, liaising with the Gibraltar Sponsored Patients' Office with regard to patients' issues, visiting patients in hospital when requested by the Gibraltar Sponsored Patients' Office.

585

We are looking at increasing those resources, so that more time can be dedicated to these needs.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister elaborate on what he means by 'increasing resources'?

590

**Hon. Dr. J E Cortes:** Mr Speaker, this is not finally decided, but we are looking at the possibility of having a dedicated officer to deal with sponsored patients which would mean that it would be this person's, or one whole person's equivalent, duties to deal with these issues, which would give them more time and set up a better relationship with the patients and their relatives to the point, perhaps, of not having necessarily the relatives coming to the Gibraltar House to get their allowances: perhaps they could visit Calpe House or some of the hospitals or the hotels in which they are staying.

595

So, basically, it is giving more time to being able to give assistance to our patients and the relatives, who are usually going through quite a stressful and worrying time, to be able to give a little more support than they are getting at the moment.

600

605

**EQUALITY AND SOCIAL SERVICES**

610

**Gladys Perez Centre  
Opening times and services offered**

**Clerk:** Question 521, The Hon. Mrs I M Ellul-Hammond.

615

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services tell us how often the Gladys Perez Centre opens, what services are offered from there and by which organisations?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

620

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the Gladys Perez Centre opens seven days a week throughout the day. It is used by various organisations.

The fundamental principle for the majority of these groups is discretion and anonymity and I therefore do not feel it appropriate to disclose further details in Parliament.

625

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister suggesting that it is mental health-related charities only that use the Centre?

**Hon. Miss S J Sacramento:** Absolutely not.

630

I do not know how the hon. Member could have jumped to that conclusion. Perhaps if she were to listen to the answer, as opposed to maybe – (**Members:** Ooh!) It is a broad answer: perhaps I would invite the hon. Member to read between the lines and, of course, it is, as I said, sensitive groups who use this location.

635

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that playgroup at baby time and lunch club playgroup use the Centre on Fridays from 9.30 in the morning to 2.30 p.m. and the breast feeding group 'Baby Steps' also use it, could health related charities also use the Centre to hold their support group meetings on days or at times when it is not being used by mainly mental health users?

640

**Hon. Miss S J Sacramento:** Mr Speaker, I repeat the Centre is not mainly used by mental health users. Again, I do not know how the hon. Member jumps to that conclusion. I have had no requests for use of the Gladys Perez Centre: in any event, it is now fully booked, Mr Speaker, and that is the position.

645

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I understand that Breast Cancer Support Gibraltar was told by yourself and by your PA on several occasions that they could not hold their once-a-month evening support group meetings for breast cancer sufferers and survivors at the Centre. Can the Minister confirm that if an hour once a month in the evening *is* available that a health related charity could use the Centre to support sufferers of their disease?

650

**Hon. Miss S J Sacramento:** Mr Speaker, the hon. Member seems to have been misinformed. I had a telephone conversation with someone from that charity who asked for the use of the Gladys Perez Centre on a specific date at a specific time, and that allocation was already used by another society. Any society who may seek the use of the Centre is free to contact me in the same way as that society contacted me, Mr Speaker.

655

**Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister confirm then, that this charity can get back in touch with yourself and the PA to request a suitable time once a month, in order to hold support group meetings.

660

**Hon. Miss S J Sacramento:** Mr Speaker, I should have said that they are, of course, free to contact my Department, as opposed to myself directly, but again I repeat, this is in relation to a request months ago and I have not had any requests since, Mr Speaker.

Any request will depend on the availability of the location at the time of the request.

**Patients with medical conditions or urgent need  
Breakdown and location**

665

**Clerk:** Question 522, the Hon. J J Netto.

670

**Hon. J J Netto:** Mr Speaker, given the information provided in answer to Question No. Written 94/2012, can the Minister for Social Services provide a breakdown of those persons with Alzheimer's and Dementia, other medical conditions, and those with an urgent need, who are currently in St Bernard's Hospital, John Cochrane Ward, the KGV Hospital, the Jewish Home and in the community?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

675

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, on the basis of the answer to Question 94/2012 (which was in relation to those waiting for a place at Mount Alvernia), the following is a breakdown of people in St Bernard's Hospital, John Cochrane Ward, KGV Hospital and the Jewish Home with Alzheimer's and Dementia and other medical condition and those with a high need of social care. Of course, there is a slight variation to the figures which were provided in response to Question 94 last month, as the information now provided relates to the *current* position, as is requested. I now hand the hon. Member the information.

680

**ANSWER TO QUESTION 522 OF 2012**

	Alzheimer's/Dementia	Other Medical Conditions	Urgent Social Care
St Bernard's Hospital	15	12	27
John Cochrane Ward	20	11	0
KGV Hospital	15	7	22
Jewish Home	1	2	0
Community	8	9	9

685

**Hon. J J Netto:** Mr Speaker, I am grateful for the information, but one of the things that is obvious that has dawned on me just now, is that I left out Calpe Ward, obviously. I do not know whether she has the information available now or whether I will just simply write to her and she may be able to provide me with that information.

It is just, if she has not got the information now, she has not got the information, and it is a question of simply writing to her subsequently.

690

**Hon. Miss S J Sacramento:** Mr Speaker, no I do not have the information because the question was not asked but the same statistical information, I would be happy to provide it if the question is put to me.

695

**Hospital for Alzheimer's and Dementia patients  
Staffing requirements and cost**

**Clerk:** Question 523, the Hon. J J Netto.

700

**Hon. J J Netto:** Mr Speaker, given that the Government has made a decision to revert back to having a 66 bed hospital for Alzheimer and Dementia sufferers, as answered in Question 273/2012, has the Government now received from the senior management of the Care Agency the proposed extra staff requirement needed and, if so, could the Minister for Social Services provide a breakdown of the numbers and grades involved and the cost of employing the new staff?



705 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, it is not true to say that the Government has made a decision to revert to a 66 bed residential unit for Alzheimer's and Dementia.

710 What I said in response to Question 273/2012, which was at the time, in March 2012, that instead of working from the 80 plan, which was the plan that the construction company were working from at the time that we took office, we in principle at that time, reverted to the initial plans, which had been prepared by the architects for the previous administration, as in the first set of plans. Those plans were for a 66 bed unit where, in fact, 58 beds were for Alzheimer and Dementia.

715 I then went on to say that the plans needed to be considered by an expert in Dementia design and we were waiting for the expert to tell us whether the layout was acceptable or not.

The Government has commissioned an expert on Dementia design to advise and revise plans on the suitability of the building, its layout and occupancy so that when residents are admitted to the Dementia Unit they can enjoy a building which is fit for purpose and complies with minimal useable space guidelines for an existing building and includes recreational space. We are waiting for the final revised plans. The staffing requirements will be provided as soon as the bed occupancy is finally agreed.

725 **Looked after children  
Training programme**

**Clerk:** Question 524, the Hon. J J Netto.

730 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if further progress has been made in finding suitable training programmes for the remaining five Looked After Children referred to in Question 171/2012, and, if so, what the training will consist of, when the training will start and who will provide such training?

735 **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 question now applies to four Looked After Children – the reason will be explained to the hon. Member on a confidential basis. Of these, one child has been successful at interview and will commence employment on 21st June. Well, has commenced already – this was drafted a few days ago. The details of this are being provided to the Opposition on a confidential basis.

740 With regard to the remaining three Looked After Children referred to in Question 171/2012, I can say that progress has been made in finding suitable training programmes. A pathway has been established between Social Services and ETCL and interviews have been secured for two of the Looked After Children. Further details in relation to this, again, are provided to the Opposition on a confidential basis.

745 **Hon. J J Netto:** Generally speaking, Mr Speaker, I am grateful for that answer. It seems that we have had some progress, at least certainly in the number of them, but it seems that we are a little bit stuck, perhaps, with one particular person... oh... okay, Mr Speaker.

750

**Persons in the community with debilitating diseases  
Details and care provided**

755

**Clerk:** Question 525, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, given the information contained in answer to Question No. 399/2012, which states that there are 19 persons with a debilitating disease in the community, can the Minister for Social

760 Services state how many have (a) a mild and (b) an acute condition and of those with an acute condition whether they are receiving any help from the Care Agency in the form of carers and other services?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

765 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the 19 people referred to in Question 399/2012 with debilitating diseases in the community all have chronic conditions. Further information is provided on a confidential basis.

770 Fifteen are receiving help from the Care Agency in the form of social work, domiciliary care hours or payments for domiciliary care. 4 are not receiving any support from the Care Agency at the present time because no referrals or requests have been received.

**Care Agency residential homes  
Recordable acts of violence**

775

**Clerk:** Question 526, the Hon. J J Netto.

780 **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, since this question was asked in Question No. 402/2012, and, if so, could the Minister provide a breakdown showing the date of the incident or incidents, whether the incident or incidents were between children or between children and staff and whether, as a result of the incident, medical attention was required either in the Home or in the Hospital and for what purpose?

785

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since the question was asked in Question No. 402/2012 there have been seven incidents. I now hand the hon. Member the requested information.

790

None of the incidents resulted in the need for medical attention and it must be noted that while these incidents are recorded as 'acts of violence' they were all mild and within the realms of acceptable adolescent behaviour, mirroring sibling rivalry.

**ANSWER TO QUESTION 526 OF 2012**

Date	LAC to LAC	LAC to Staff	Medical Attention/Residential Home or Hospital	What purpose
21.05.12	Yes		No	
25.05.12	Yes		No	
30.05.12		Yes	No	
02.06.12	Yes		No	
03.06.12	Yes		No	
04.06.12	Yes		No	
05.06.12		Yes	No	

**Care Agency Looked After Children  
Details of absconding**

795

**Clerk:** Question 527, the Hon J J Netto.

800 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if any Looked After Children in any of the Care Agency residential homes have absconded since this question was last asked in Question No. 404/2012 and, if so, state how long the absconding lasted, whether the absconding was in Gibraltar or Spain,

and whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

805 **Clerk:** Answer the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since this question was last asked in Parliament there have been several incidents of absconding, involving two Looked After Children. I now hand the hon. Member the requested information and, in addition to this – to these incidents – there is also the issue of the 17 year old from the Republic of Guinea, as explained in last month’s session, Question 404/2012.

**ANSWER TO QUESTION 527 of 2012**

Name of LAC	Date	Length of time LAC absconded	Any track record of violence towards staff or LAC	Absconding in Gibraltar or Spain
A	6 <sup>th</sup> June 2012	2 hours	Yes	Gibraltar
B	10 <sup>th</sup> June 2012	56 hours	No	Gibraltar
A	12 <sup>th</sup> June 2012	5 hours 5 minutes	Yes	Gibraltar
B	14 <sup>th</sup> June 2012	30 hours 25 minutes	No	Gibraltar
B	16 <sup>th</sup> June 2012	34 hours 25 minutes	No	Gibraltar
B	18 <sup>th</sup> June 2012	5 hours 10 minutes	No	Gibraltar
B	19 <sup>th</sup> June 2012	Still missing	No	Gibraltar

815 **Hon. J J Netto:** Mr Speaker, on a supplementary question for the sake of clarifying something from the list that the hon. Lady has provided for, there is one particular incident, which is incident B, if I can call it that, where the length of the absconding lasted 56 hours. Now, that is quite a considerable period of time, if I may say. Given that length of time, did it trigger perhaps that to try and find that particular child, the Care Agency had to call upon the police to assist in searching around Gibraltar, because certainly it was in Gibraltar – can she perhaps elaborate on that?

820 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that the Care Agency have called upon police in this situation and although this child is recorded as having ‘absconded’, because that is a technical term used, the child nevertheless is in contact with both the Care Agency, the parents and other children in care. It is just that the child is not returning to the home at night, but the Care Agency are aware of the whereabouts, the police know where this child is.

825 **Hon. J J Netto:** Just for the sake of clarification, so I can get a grip on this because, again, there is a repetition in listing the information provided from child B. It mentions that he is still missing, as from 19th June – I do not know whether this has changed or has not changed, or if this is relating to the information that the hon. Lady has just provided when she stood the last time. Can she perhaps clarify for my benefit?

830 **Hon. Miss S J Sacramento:** Mr Speaker, as I understand it, this Looked After Child has been in touch today, this morning: in fact, I understand that she had a meeting at the Care Agency this morning. I checked

just before coming and I understand that she has been in today.

835 So, even though this was prepared yesterday so that it was as accurate as possible, she has been at the Care Agency premises today. Mr Speaker, and I am, given the sensitivities of this situation, I am now loathe to provide further details of this matter in Parliament – I am happy to discuss it with the hon. Member on a confidential basis.

I do not think that there is much to be gained from giving further details, particularly not today.

840 **Hon. J J Netto:** Yes, by all means because there are some questions in the back of my mind which I still need to try and take into account in relation to this so, yes, I am grateful for the offer by the hon. Lady because certainly I will want to take it up.

845 **Care Agency  
2012 training programme**

**Clerk:** Question 529, the Hon J J Netto.

850 **Hon. J J Netto:** Mr Speaker, given that the Care Agency now has the new training programme for this financial year, will the Minister for Social Services kindly provide a copy to the shadow Minister?

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

855 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this question has already been asked in Written Question 92/2012 and a written response provided.

Rule 17(v) of the Gibraltar Parliament Standing Rules and Orders precludes the same question from being asked if the answer was provided within the preceding six months.

860 **Hon. J J Netto:** Mr Speaker, given that we are talking about quite a relative unimportant issue, like a training programme, I just wonder why the hon. Lady feels so compelled to quote Standing Orders, as some kind of a defence as if the issue in hand is something so terrible (**A Member:** The rules.) – so terrible about it. The question is, if I can refer to the written answer in which she says ‘this is an internal document’ and therefore she will not provide a copy. Now...

865 **Hon. Miss S J Sacramento:** Point of Order, Mr Speaker.

If the hon. Member is going to read my response then I think he should read the *whole* of the response where I actually – I will read it myself, and it says:

870 ‘I would agree to show this to the hon. Member in confidence.’

I think, Mr Speaker, as a Point of Order and for the sake of completeness, everything should have been read.

875 **Hon. J J Netto:** Mr Speaker, there is no point in reading the whole of the answer because, actually, all we are talking about is four sentences – it is not an issue. The answer she provided was:

880 ‘I can confirm that the Care Agency has now prepared the new training programme for the period 1st April 2012 to 31st March 2013. This is an internal document, not a public document, and as such I will not make a copy available. I would agree to show this to the hon. Member in confidence.’

885 Now, the reason why I asked an oral question, as opposed to a written question this time around, is because, personally, I am not satisfied with the answer given in the written answer. I am not satisfied because, yes, of course, it is an internal document, like all internal documents which is being prepared to by every single....

**Hon. G H Licudi:** Mr Speaker, Point of Order.

Is the hon. Member dealing with the substance of the question or dealing with the Point of Order? A Point of Order has been made and it has to be addressed, rather than going into the substance of the question. If the question is out of order, it is out of order.

890

**Mr Speaker:** No but I imagine you are answering the Point of Order taken by the Hon. Minister.

**Hon. J J Netto:** No, I was not talking about the Point of Order.

895

**Mr Speaker:** Well, in that case, I am afraid I must interrupt the hon. Gentleman.

The Hon. Minister has cited Standing Order Rule 17(v) and that is what the Standing Order says. She cannot be faulted for citing Standing Orders.

The Standing Order in question says:

900

‘The question shall not refer to any debate that has occurred or answer that has been given within the preceding six months.’

Now, I understand the answer to Written Question 92/2012 from the Hon. Minister was that she is not content to hand the document to the hon. Member but was willing to allow him sight of the document. That was the answer given.

905

**Hon. D A Feetham:** Yes, strictly speaking, Standing Orders say you cannot ask questions within six months and the Hon. Minister is right about that. Very often we waived – I am talking on the Standing Order, sorry on the Point of Order – very often, on both sides of the House – we have been in Government, and now them – Ministers do not take those kind of points, particularly now when we have, as well, Parliament on a monthly basis, it becomes much more difficult not to ask a question that has not been referred to in the previous six months.

910

Look, she is right. If she does not want to provide the answer, that is the end of the matter.

**Hon. G H Licudi:** Mr Speaker, it is not a matter of not providing the answer. The answer *has* been provided: that is the whole point.

915

The question has been asked and the answer has been provided. What the hon. Member has said is that he is not satisfied with the answer, but the point that the hon. Member makes about monthly meetings and an element of flexibility – generally the issue does not arise. The issue is overcome, because when Question Time is used for the purposes that it is normally used, which is to elicit information, when information is elicited, for example, as at a particular day when a question is asked in January, then the information may be different in February, so the same question might be asked in respect of the period up to February. So, it might be phrased in the same way or very similar way, but it is not exactly the same question.

920

**Mr Speaker:** A different context.

925

**Hon. G H Licudi:** It is a different context, and a different time period might appear, so that issue does not really arise in respect of monthly meetings.

The issue here is that exactly the same question has been asked in one form, and now the hon. Member wants to ask it in a different form because he is not satisfied with the answer. It is not that the answer has not been given, the answer has been given and that is the answer that stands for the record.

930

**Mr Speaker:** I think that we need not debate this too much, because I think the Hon. Daniel Feetham has conceded...

935

**Hon. J J Netto:** Just to make a very small point...

**Mr Speaker:** No, would you allow me, please, to make my point.

The Hon. Daniel Feetham has conceded the point in that so I really do not think we need to trouble ourselves with a further debate on that.

940

Yes, there has been a degree of flexibility, the view I have taken over the years, and I have conducted

myself in terms of Standing Orders, is unless the infringement is so gross, I have tended not to intervene, allow the question to be put, or allow the point to be made. Only if a Member on the other side has raised the issue, then I have had to step in with some sort of ruling. That is the flexibility area.

945

In this case the hon. Lady has specifically invoked the rules and the rules are clear there for everybody to see and my view is she will have to stand on that rule.

**Hon. Miss S J Sacramento:** Mr Speaker, may I add to that, that I did in my previous....

950

**Mr Speaker:** May I just say, there is a danger – I do not wish to – there is a danger if I allow the hon. Lady to have her say I will have to allow somebody on the other side to have a say, as well, and I do not think... we are quite deep into Friday afternoon.

955

**Multi-Agency Child Committee  
Issues presented at April and May meetings**

960

**Clerk:** Question 530, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the multi-agency Child Committee has met in the months of April and May, and if it has, could the hon. Lady state what specific issues were discussed, inclusive of the issues discussed at the meeting of 13th March?

965

**Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the multi agency Child Protection Committee did not meet in the months of April or May 2012.

970

As stated in response to Written Question 89/2012, the Child Protection Committee met on 13th March 2012 and a response relating to the specific issues detailed at that meeting has been provided.

Rule 17(v) of the Gibraltar Parliament Standing Rules and Orders precludes this question from being asked if the answer was provided within the preceding six months.

975

**Hon. J J Netto:** I think that I understood the hon. Lady as saying that details of 13th March are being provided for. I cannot recall from memory now what sort of details she gave me, certainly not in the context of information that has been provided by her to previous meetings. For instance, information provided by her on the Question Written 46/2012: she does provide a fair amount of information as to the kind of issues that were discussed at the meeting on 29th November. Certainly on the meeting of 13th March she has not provided that kind of information, hence the reason why I am asking the information.

980

So, I just wonder whether the hon. Lady, given that at least we have the meeting of 13th March, not obviously the ones of April and May, which have been cancelled for whatever reasons, could she provide the same kind of information as she has provided Parliament before?

985

**Hon. G H Licudi:** Sorry, is the hon. Member asking for the same information in respect of the March meeting or other meetings?

990

**Hon. J J Netto:** The hon. Lady has said, if I understood her correctly, that the meetings scheduled for April and May have been cancelled for some reason, so obviously the meeting has not gone ahead. Obviously, there is no discussion at those meetings, therefore removing April and May out of the question... The only meeting that I am aware of that *has* happened is the meeting of 13th March, and if that is the only meeting that has happened, part of my question is can I have the same kind of information that she has provided Parliament, when I have asked this question before, which is Written Question 46/2012?

995

**Hon. Miss S J Sacramento:** Mr Speaker, the reason that the hon. Member knows that there was a meeting of the Child Protection Committee on 13th March is because this was part of my response to Written Question 89/2012. Therefore, Mr Speaker, I am, once again, seeking to rely on Rule 17(v), in that the

question relating to the meeting of 13th March has already been asked, and has already been answered.

1000 The answer to that question was that the meeting was not a public meeting, and given the sensitivity of the child protection issues discussed, it is not felt appropriate that these should be made public without the consent of the Committee, Mr Speaker.

The position today is the same, because it is the same answer to the same question that was put to me last month, Mr Speaker, in relation to the same meeting – the meeting of 13th March.

1005 **Hon. J J Netto:** Mr Speaker, the hon. Lady herself has said, in her contribution just now, that I found out about this as a result of a different question. So, whatever form, shape or manner upon which I may have found out that there was a meeting on 13th March, it is neither here or there. The issue at stake here is that I am asking in Parliament that, given that I have found out, even if it was in part of another question that she was asked in, whether she can give me the information over the *issues* that were discussed, as she has provided that kind of information to a previous question – I do not know whether it was five or six months ago. I am asking for the same treatment as she afforded me at the beginning of Parliament, when Parliament was constituted after the Election.

1010 Is she now saying to Parliament that she is going to be looking more at Standing Orders to deny and degrade the quality of parliamentary discussion in this Parliament, so that I do not get information to be able to scrutinise her, on the basis of Standing Orders, or is she going to provide me with answers which she has already provided me at the beginning of this Parliament? Is it going to be a question of allowing a mature democracy for people to be able to listen to the debate, or are we going to be quoting Standing Orders every five seconds?

1020 **Hon. G H Licudi:** I am not sure, Mr Speaker, where the hon. Member was for the last four years. Certainly, in the four years that I was sitting on that side, specifically the same position that the hon. Member was and the sort of treatment that we were given on that side, and the sort of answers. We have adopted a very, very different policy, as the hon. Member knows, and I will not rehearse the arguments that were across the floor of this House [*inaudible*] yesterday, in respect of the quality of democracy and the quality of parliamentary debate which exists now in Gibraltar, and in which the hon. Member is very well aware of, given that he is here today on the... is it the fourth or fifth time of this year? – when on previous years, we never were afforded the opportunity of being in this Parliament on four or five occasions. So let not the hon. Member give us lectures on the quality of parliamentary debate and the sort of information that is given, because that was, as I understood yesterday, well sorted out in the debate in one of the questions.

1025 The position with this particular question, Mr Speaker, is that the hon. Member *did* ask, in the Written Question, what specific issues arose in respect of that particular meeting, and the answer that was given was in respect of the meeting on 13th March. The meeting was not a public meeting and given the sensitivity of child protection issues discussed it is *not* felt appropriate that these should be made public without the consent of the Committee.

1030 And what the hon. Member is now asking is (*Interjection by Hon. J J Netto*) can the hon. Lady state what specific issues were discussed, inclusive of the issues discussed at the meeting of 13th March. Well, in respect of the issues discussed on 13th March, the answer was already given: it was not a public meeting, and there are sensitive issues.

1035 One would hope that the hon. Member, having sat on this side of the House – not just on this side of the House, but having done the job that the hon. Lady is now doing – that he would understand the sensitive child protection issues which arise.

1040 **Hon. Miss S J Sacramento:** He said it last month.

1045 **Hon. G H Licudi:** As I understand, he conceded the point on a previous occasion last month, in respect of a different matter, that he understands specifically that, in respect of the job that he used to do and in respect of the job the hon. Lady *now* does, there are sensitive issues on which there cannot simply be a public debate, because of the child issues that arise. Given that that is the position, that he asked previously and he was told for this reason he cannot be given details of the issues, and he has now asked again for details of the issues, that is why the answer has been given.

1050 It is not a question of degrading parliamentary debate or anything like that. The question has been asked and answered already and the position today is exactly the same as it was when the question was answered.

**Mr Speaker:** I think the position is fairly clear. The substantive question comes in two parts: one asks for the outcome of the discussions at a meeting which were presumed to have been held in April and May and also re-visits the issues discussed at the meeting of 13th March.

1055

The answer is very clear: there was no meeting in April or May and therefore that does not arise. On 13th March, there was a Written Question put to the Minister, No. 89, which refers specifically to the meeting of 13th March and a response was provided in writing and that has been read out again today.

That, in my view, clearly falls within Rule 17(v). It is exactly the same position as the previous question, the previous ruling.

1060

**Hon. J J Netto:** Mr Speaker, I cannot accept the fact (*Interjection*) that they are now saying that they cannot provide the information of the meeting of 13th March because there are so many sensitive issues and that therefore they do not want to put such sensitive issues in the domain of Parliament and hence the public at large, which may connect those issues with those particular children. Well, it is not a very good argument to say that, because the hon. Lady, when I asked the original Question 46/2012 –

1065

**Hon. G H Licudi:** Mr Speaker, I will not go there again, as I said earlier. The hon. Member is now getting into the substance of the question, when the Hon. Mr Speaker has ruled that the question cannot be put.

1070

**Mr Speaker:** Well, I was not going to allow the hon. Gentleman to go into the substance of the question, but I would give him the courtesy of hearing him – albeit perhaps slap him down, but I will hear him!

**Hon. J J Netto:** Mr Speaker, the point I am trying to labour on is on the issue that they are trying to say the matter for discussion in the multi-disciplinary Child Protection Committee is so sensitive that we cannot provide it, and I am saying it just does not *stand*, the argument, because the hon. Lady *already*, in the previous question, has provided me with information.

1075

All I am saying is, if she felt that it was so sensitive that children could be identified, then why did she give me the information on Written Question 46/2012?

Now, anyone who looks at *Hansard* and looks at the answer that she gave me will see that you cannot identify any particular children as a result of the answer she gave me. What is happening here, Mr Speaker, is what I said before. The hon. Lady is simply degrading the quality of discussion in this Parliament, simply by keeping me uninformed from my duties and my responsibilities to be able to scrutinise her. That is all she is doing, by quoting Standing Orders and by trying to provide this information. She has already given me the information *before*, so there is no question of sensitivity!

1080

1085

**Mr Speaker:** I appreciate that the hon. Member is not satisfied with the answer given to the Written Question. I appreciate that, and the dissatisfaction arises from a previous course of dealing (**Hon. J J Netto:** Exactly.) which was different. I appreciate that part of it.

But, looking at Rule 17(v), the question relating to 13th March was put in Written Question 89 and a particular answer was given – however unsatisfactory the hon. Member may consider the answer to be, in the light of previous dealings. But looking at it from Rule 17(v) today, sitting where I am, I have to take the view, a question was asked and answered, however unsatisfactorily, in the last six months, and I cannot really allow it to be re-visited.

1090

**Hon. D A Feetham:** No, no, I quite understand. The problem that we have here, of course – and, of course, we must accept Mr Speaker's ruling in relation to this – is that there appears to have been two answers, one in March and one earlier. So, of course, my hon. Friend, Mr Netto, goes back to not the March one, but to the earlier one. He is going back to that one and the quality of the answer that was provided, where more information was, in fact, provided than in the March answer. Look, it raises the interesting question of when you have inconsistent answers! Which one is the answer that the Hon. Ministers would like?

1095

1100

But Mr Speaker has ruled and that is the end of the matter.

**Mr Speaker:** I hope that Members appreciate that is the view I should take.

1105

**Hon. D A Feetham:** Absolutely, and that is the end of the matter.



**Mr Speaker:** Can we move on to the next question –

1110 **Hon. G H Licudi:** Sorry, can I just clarify something in respect of what the hon. Member has just said.  
It may be that he has not fully understood what his colleague has said. It is not a question that there had been inconsistent answers in respect of the same subject matter. The previous answer was in respect of something different – in respect of a different meeting. We accept that a question was asked in respect of a meeting earlier in the year, and was answered in a particular way and a question was then asked in respect of another meeting and was answered in a different way.

1115 So to the extent that there is inconsistency, it is not in respect of inconsistency on the same question, (*Interjections*) but the same *type* of question. We accept that –

**Mr Speaker:** Order, order.

1120 **Hon. G H Licudi:** We accept that that is the case. A view was taken in January as to the appropriateness of answering a question in a particular way and then a different view has been taken, as from March, as to the appropriateness, given the issues that arise in this particular case.

1125 The hon. Member may be not content, not satisfied, with the quality of the answer, but I just wanted to set up that chronology, to the extent that the hon. Member can say there has been an inconsistency in an approach. Well, yes, on reconsideration of the issues that arise, and in respect of a different meeting –

**Hon. J J Netto:** No, it was the same type of Committee meeting –

1130 **Hon. G H Licudi:** No, in respect of a different meeting, a different view was taken by the Government, and that is the view that was taken, so I just wanted to clarify that issue of inconsistency, just for the hon. Members –

1135 **Hon. D A Feetham:** No, I think that is, in fact, a fair and accurate reflection of the situation. What we would say is there may well have been different meetings, but there is a change of policy in respect of the same type of meeting from January to March, and hence the questions that my hon. Friend has actually asked and that is why he has been critical of the approach.

**Mr Speaker:** I think we can move on to the next Question now.

1140

## HOUSING AND THE ELDERLY

### Empty flats awaiting repairs/reallocation Details

1145

**Clerk:** Question 531, the Hon. E J Reyes.

1150 **Hon. E J Reyes:** Can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of Pre-war and Post-war flats, flat size composition, the dates as from when these flats have been empty and the category/type of repairs which are required to be undertaken before they may be reallocated?

1155 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

I may supply general information as the schedule goes round and say that up to 134 flats are currently empty and awaiting repairs.

**ANSWER TO QUESTION 531**

Up to 134 flats are currently empty and awaiting repairs.

Table 1 shows the number of empty flats for cleaning/refurbishment (post and pre-war) by room composition.

Table 2 highlights the number of empty flats per year and room composition. Specific dates per flat cannot be provided.

The following table provides the required breakdown:-

**Table 1 - By room composition (post and pre-war)**

Composition	Category Type				Total
	Refurbishment Technical Decision		Cleaning		
	Pre-War	Post-War	Pre-War	Post-War	
6RKB		1			1
5RKB	3	1			4
4RKB	16	10	1	2	29
3RKB	20	33	1	1	55
2RKB	17	14			31
1RKB	4	10			14
<b>Sub-Total</b>	<b>60</b>	<b>69</b>	<b>2</b>	<b>3</b>	<b>134</b>

**Table 2 - Empty flats awaiting refurbishment/cleaning per year**

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	TOTALS
6RKB							1					1
5RKB		2	1								1	4
4RKB	9	11	3	4	1	1						29
3RKB	10	34	6	1		2	2					55
2RKB	8	15	4	2					2			31
1RKB	2	7	2	1						1	1	14
<b>TOTAL</b>	<b>29</b>	<b>69</b>	<b>16</b>	<b>8</b>	<b>1</b>	<b>3</b>	<b>3</b>		<b>2</b>	<b>1</b>	<b>2</b>	<b>134</b>

1160 **Hon. E J Reyes:** Mr Speaker, in respect of the section within my question that said ‘the dates as from when these flats have been empty’, can the Hon. Minister enlighten me a bit further because I see, from the year there, is that the only amount of information he is able to provide in respect of dates?

1165 **Hon. C A Bruzon:** We are hopeful that the hon. Member will accept a date by year, because going into details would require a vast amount of work and I am hoping that the Member will accept it in that format.

**Hon. E J Reyes:** Mr Speaker, it is not just my accepting it; it is, as well, the electorate at large speculate a lot on the amount of time that the flats have been lying empty.

1170 For example, sir, when we look here at, let us just say, 2011: the 69 flats, it could well be that a bulk of them just came into the repair market after the summer recess more into the last quarter, whereas if one is talking of the first quarter of 2011, then a period of more than 12 months have passed. Therefore, from whatever side of the House, one could start at least to raise a bit of concern, in saying ‘Are the works being undertaken within a reasonable period of time? Does it require greater manpower, or not?’ It does not allow me sufficient information to be able to analyse and perhaps even recommend and have a discussion across the floor of the House, whether the kind of manpower of the Housing Works Agency is sufficient or it just does not meet the demands of the tasks that need to be undertaken.

1175

1180 **Hon. C A Bruzon:** I can assure the hon. Member that I will go back to my staff and enquire if they can provide more details, but at this stage I would not like to promise in Parliament that this will actually happen; but I will certainly go back to them and ask.

**The Hon E J Reyes:** Thank you, Mr Speaker, sir, and I think the Hon. Minister may have even picked up... It is not the first time I have brought this question in of the dates, so he can take it as a cue, as well.  
1185 But on this side of the House, we will be continuing very much down that line of questioning in the coming months.

**Hon. S M Figueras:** Mr Speaker, just one further supplementary. Just perhaps the Hon. Minister is able to provide some clarification.  
1190 Looking at Table 2, the empty flats awaiting refurbishment/cleaning per year, is it...? As an example only, in 2002, there is the number 1 in the row of the 5RKB. Does the Minister know whether this means that there has been a 5RKB property empty since 2002 and it has not yet been dealt with? Is that what that means?

**Hon. C A Bruzon:** That is exactly what the information says, yes, Mr Speaker.  
1195

#### **Health and Safety in Housing Unsafe dwellings**

1200 **Clerk:** Question 532, the Hon. E J Reyes.

**The Hon. E J Reyes:** Can the Minister for Housing state how many reports of unsafe dwellings are currently pending and how many of these require urgent decanting due to Health and Safety considerations?

1205 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, there are no unsafe dwellings pending which require decanting due to Health and Safety considerations.

1210 **Hon. E J Reyes:** Mr Speaker, I just want to clarify something.  
There are no reports of unsafe dwellings: if the answer is zero, then obviously it follows there are none on the grounds of Health and Safety. There could be some that can be classified as unsafe dwellings, but do not fall under the category of Health and Safety. Can the Hon. Minister clarify that one for me?

1215 **Hon. C A Bruzon:** The question has been answered exactly as it has been answered.  
I will repeat it: there are no unsafe dwellings pending which require decanting due to Health and Safety considerations.

1220 **Hon. E J Reyes:** No, Mr Speaker sir, my question reads differently. My question is how many reports of unsafe dwellings are currently pending – part (a) – *and* how many of these require urgent decanting due to Health and Safety?

1225 Perhaps next time I can word them as subparagraphs (a) and (b); but using, I think, a commonsense English interpretation, it is how many reports of unsafe dwellings are currently pending and if there are any, how many of those are then due to Health and Safety considerations?

**Hon. C A Bruzon:** Mr Speaker, last month we had exactly the same question and I answered it in exactly the same way, and the hon. Member accepted it.

1230 It would be helpful, maybe, if he feels that he can be more specific in the way he asks the question, I will be happy to do my utmost to supply the information.

**Hon. E J Reyes:** Yes, I know Mr Speaker, but when one then looks back with a bit more time in your hands, so as not to delay unnecessarily on a Friday afternoon, to which the hon. Member and I seem to have

been relegated at Question Time now, because of the very scarce presence of press and so on, hence the concerns that we express about Friday afternoons –

1235

**Mr Speaker:** There are people at the beaches listening to us, I am sure!

**Hon. E J Reyes:** No, but because I have had time to reflect upon it, that is why I am pressing a bit more on it now. But I accept that the Hon. Minister has been provided with that information and he now knows what I am trying to get at.

1240

Either I re-word it or he bears it in mind next time round at Question Time that it does say ‘and therefore from that number’. If it is zero, then it follows that it has to be zero; but you could have a category, you could have one or two dwellings unsafe, none of which then fall under Health and Safety, but –

1245

**Mr Speaker:** I think it would be helpful in future to break them down into (a) and (b), to make it clear that there are two aspects involved.

**Hon. E J Reyes:** Yes, I will take your advice, Mr Speaker, thanks.

1250

**Clerk:** Question –

**Mr Speaker:** The Hon. Jaime Netto.

**Hon. J J Netto:** Can I, just for clarification purposes really, when we are talking about decanting someone for Health and Safety considerations, normally we tend to think, in our own mind, that it may be that the structure of the building is a bit unsafe, hence you have got to move the person who is living in that flat out. Will he go beyond that in the sense of saying – and I am talking from experience here – that it is not just sometimes the structure of the building which may be unsound, for which you have to decant somebody; sometimes it could be faulty electricity? To an extent, faulty electricity...

1255

1260

I remember one particular time, many years ago, that I had to decant – which is the only way a Minister can do, decant on Health and Safety – because electricity was in such a condition and as soon as the report landed on my desk, I had to take urgent action, obviously.

So can I, for the sake of clarifying it in my question, when we are talking about the parameters of what constitutes Health and Safety conditions for decanting purposes, does the electricity – or can I put it, the danger of an accident due to electrical fault or because there may be water penetration which is close to a live cable of electricity – that would also constitute part of the Health and Safety for the purpose of decanting somebody?

1265

In other words, if the Housing Inspector, one of your members of staff comes and tells you, ‘Look, the electrician was there doing a report and I am passing it to the Minister, because there is danger of an accident and there may be little children’, that would also form part of the consideration for decanting?

1270

**Hon. C A Bruzon:** I would probably need notice of that question, but I will do my best to explain that, if there are serious dangers to Health and Safety, because the building is going to collapse because of structural issues, the Housing Department would not hesitate and decant the family immediately.

1275

The level of dangers through electrical problems is relative and therefore, if there is a faulty switch with a bit of water, they will go straight away and maybe do something and help the family out.

So if the Member will accept that explanation –

**Hon. J J Netto:** I accept it only to the extent that while I accept that there may be a minor electrical matter, that is not a good grounds for decanting somebody.

1280

What I am referring to is that we are not dealing with that sort of small scale of electrical fault; I am talking about a major scale which may constitute an accident for which could sometimes risk the life of a person, of a sitting tenant there. So it is a different category to the normal...

That is what I am trying to get to.

1285

**Hon. C A Bruzon:** There is no doubt in my mind that if the electrical problem is so huge that it constitutes, as you are hinting, a risk to the life of the person, then they would be decanted immediately. You

have my word on that.

1290

**Government rental flats  
Pending/incomplete repair jobs**

1295

**Clerk:** Question 533, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing state how many jobs are currently listed as pending/incomplete in Government rental flats, giving a breakdown of internal and external repairs, as well as stating the general nature of the works and by whom these are being carried out, broken down into categories of both Pre-war and Post-war housing stocks?

1300

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1305

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

As the information reaches the Opposition Members, I can say, by way of explanation, that there are 640 internal jobs currently listed and there are 3,243 external jobs currently listed.

**ANSWER TO QUESTION 533**

I submit a reply to this question primarily broken down by (a) internal jobs and (b) external jobs, as follows:

- (a) There are 640 internal jobs currently listed as pending within the Housing Works Agency. These jobs are categorised as follows:-

<b>Work Category – Internal Repairs</b>	<b>Pre-war</b>	<b>Post-war</b>	<b>Total</b>
Bath for shower conversion	1	20	21
Bathroom Unit replacement	3	39	42
Carpentry repairs	25	107	132
Cleaning of flat	9	3	12
Drains, rodding and cleaning	1	2	3
Emergency repairs	5	19	24
Masonry repairs	12	52	64
O/T Repairs/refurbishments	2	45	47
Painting	5	80	85
Plumbing repairs	15	155	170
Refurbishment – empty flats	8	34	42
<b>TOTAL</b>	<b>86</b>	<b>556</b>	<b>642</b>

- (b) There are 3243 external jobs currently listed as pending to be carried out by external works contractors. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. It is impossible to deliver a detailed categorisation of all 3243 jobs. The following condensed categorisation applies:

<b>Work Category – External Repairs</b>	<b>Pre-war</b>	<b>Post-war</b>	<b>Total</b>
External Building Contractors	532	1930	2462
Windows Replacement Contractors	92	689	781
<b>TOTAL</b>	<b>624</b>	<b>2619</b>	<b>3243</b>

1310

**Housing allocations  
Flats becoming empty**

**Clerk:** Question 534, the Hon. E J Reyes.

1315

**Hon. E J Reyes:** Can the Minister for Housing state how many flats have become empty and made available for reallocation since his answer to Question No. 416/2012?

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1320

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, a total of 50 flats have become empty and made available for reallocation.

1325

**Hon. E J Reyes:** Mr Speaker, I do not know if the Hon. Minister could or could not have this information at hand. Fifty flats have become empty. I have not given him due notice enough to have the answer, because I said they have been made available for reallocation. Some of those, am I correct in assuming, could have been passed onto the list that is already awaiting cleaning and so on? He wouldn't, by sheer coincidence, happen to have some further information available, would he?

1330

**Hon. C A Bruzon:** I am happy to explain that these flats are literally ready to be allocated. The keys have been handed over and it is a matter of the Housing Manager and myself looking at whose turn it is next to get a flat and the offer of allocation will be made.

1335

**Hon. E J Reyes:** Sorry, I am grateful for that, Mr Speaker.  
It is just because of my initial concern that, in 2012 alone, there are, according to the answer to Question 531, unfortunately, 29 flats that have become empty and not yet available – beyond the Minister's control, sometimes the condition it would have been left and so on. So having seen the number 50 here, for a split second, I said that number could have increased by 200% and it was a bit of a shock.

1340

**Hon. C A Bruzon:** Well, you are making me think on this one. You may have a point and I will double-check, just to be 100% sure that these 50 are literally ready to be allocated.  
I will check on that and let you know.

1345

**Hon. E J Reyes:** I am so grateful, Mr Speaker.

**Hon. C A Bruzon:** My understanding is that they are ready, but I will double-check.

1350

**Applications for housing  
Homeless persons**

**Clerk:** Question 535, the Hon. E J Reyes.

1355

**Hon. E J Reyes:** Can the Minister for Housing confirm, further to his answer given to Question No. 421/2012, how many applications for housing from homeless persons are currently being dealt with, giving a breakdown of dates as from when these applications were made?

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1360

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 535**

A total of 19 applications for housing from homeless persons are currently being dealt with.

The breakdown of dates as from when these applications were made is as follows:

June 2008	1
June 2010	2
October 2010	1
November 2010	4
December 2010	1
March 2011	1
May 2011	1
January 2012	2
March 2012	3
April 2012	2
May 2012	1

The information is not too complicated, but I will give some of it orally.

1365 A total of 19 applications for housing from homeless persons are currently being dealt with and the details in terms of dates, the hon. Members opposite will see in the schedule that is now in front of them.

**Clerk:** Question 536, the Hon. E J Reyes.

**Mr Speaker:** No, the Hon. Jaime Netto.

1370 **Hon. J J Netto:** Sorry for the delayed reaction!

As a matter of interest, when we are dealing with homeless persons, or persons who claim to be homeless, can the Minister for Housing perhaps explain to us what procedures are in place to ascertain the veracity, if I can call it that, of a genuine case of someone who is homeless, as opposed to someone who claims to be homeless but is not necessarily homeless?

1375 In other words, what internal procedures does the Ministry for Housing have, to try and detect the genuine, the *bona fide* cases to the ones who are not genuine and *bona fide*?

1380 **Hon. C A Bruzon:** A couple of comments I could make on that, Mr Speaker, and that is inspectors are empowered to knock on the door, in case this gentleman is staying with relatives – just to make sure that this gentleman is not staying in a house with relatives.

There is terminology which the hon. Member may remember from the time when he was Minister for Housing, where a person is ‘technically homeless’ and is not literally living in the street, so some of those would come under that category.

1385 Other than that, I am not sure if I would like to volunteer more information without being 100% sure. There is, of course, the evidence provided sometimes by social workers. These people go to see social workers, and they can come to us and inform the Allocation Committee that these people are a real social case and they really have nowhere to live, so obviously we try to fast track them and help them.

1390 **Hon. J J Netto:** I am grateful, Mr Speaker.

**Government rental flats  
Pending repairs completed**

1395 **Clerk:** Question 536, the Hon. E J Reyes.

1400 **Hon. E J Reyes:** Can the Minister for Housing state how many tenants, since his answer to Question 422/2012, have had their pending repairs completed in respect of Government rental flats, giving a breakdown of how many were internal and external repairs and broken down into the categories of both Pre-war and Post-

war housing stock.

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1405

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, the schedule that is now being handed over is a very simple schedule, so even though they are getting a schedule, I would like to read out the information orally.

1410

Since the collective answer given to Question 422/2012 there have been a total of 116 tenants that had 162 jobs completed as follows: Pre-war, completed jobs 15, number of tenants 14; Post-war, completed jobs 117, number of tenants 102.

A total of completed jobs 132; and the total number of tenants 116.

**ANSWER TO QUESTION 536**

Since the collective answer given to Question No.422 of 2012, there have been a total of 116 tenants that had 132 jobs completed, as follows:

**INTERNAL**

	Completed jobs	No. of tenants
Pre-War	15	14
Post-War	117	102
<b>TOTAL</b>	<b>132</b>	<b>116</b>

No external jobs have been completed since Question No. 422.

1415

**Hon. E J Reyes:** Yes, Mr Speaker, I am grateful for that.

I note in the answer that the Hon. Minister has had to say that no external jobs have been completed since Question 422. Does he have any information that would enlighten us as to why no jobs have been perhaps completed? Perhaps some have been started and not completed – it would help to build up a better picture.

1420

**Hon. C A Bruzon:** Yes, absolutely.

External jobs, as the hon. Member will understand, take much, much longer than small internal jobs, so it is precisely since that question was last asked, that no jobs have been completed.

Work is certainly being done, but during the last three or four weeks, no external jobs have been completed.

1425

**Hon. E J Reyes:** And I know I have not given due notice, Mr Speaker: he would not happen by chance to know how many new external jobs have at least been commenced, additionally?

1430

**Hon. C A Bruzon:** No.

**Hon. E J Reyes:** Acceptable, Mr Speaker.

**Hon. C A Bruzon:** I would need notice of the question, Mr Speaker.

1435

**Government housing stock  
Tenants requiring work done**

1440

**Clerk:** Question 537, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing state how many tenants are currently listed as requiring



works to be done by Government as landlords, broken down into categories of both Pre-war and Post-war housing stock?

1445

**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 1,987 tenants are currently listed as requiring works to be done by Government as landlords, of which 297 reside in Pre-war flats and 1,690 reside in Post-war flats.

1450

**Government rental flats  
Internal and external repairs completed**

1455

**Clerk:** Question 538, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing state how many jobs, since his answer to Question 423/2012, have been completed in respect of Government rental flats, giving a breakdown of how many were internal and external repairs and the nature of the works undertaken, broken down into categories of both Pre-war and Post-war housing stocks?

1460

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1465

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

The actual total of jobs is 305 completed in respect of Government rental flats.

**ANSWER TO QUESTION 538**

A total of 305 jobs have been completed in respect of Government rental flats.

Out of this total, 295 jobs were internal jobs completed by the Housing Works Agency and 10 were external jobs completed by the Ministry for Housing. These are further broken down as follows:

1470

Work category – Internal repairs	Pre-war	Post-war	Total
Bathroom unit replacement	-	5	5
Carpentry repairs	6	30	36
Cleaning of flat	2	16	18
Drains, rodding and cleaning	1	7	8
Emergency repairs	14	102	116
Masonry repair	1	5	6
Other – asbestos removal	-	-	-
Painting	-	10	10
Plumbing repairs	6	86	92
Refurbishment – empty flat	-	4	4
<b>TOTAL</b>	<b>30</b>	<b>265</b>	<b>295</b>

Work category – External repairs	Pre-war	Post-war	Total
General	-	-	-
Drains	1	2	3
Lifts	-	7	7
<b>TOTAL</b>	<b>1</b>	<b>9</b>	<b>10</b>

**Hon. E J Reyes:** Thank you for that information, Mr Speaker. I am prompted by this comprehensive answer.

1475 The Hon. Minister has listed here 'lifts' and I can see that there are seven falling under Post-war. May I pose to him as a question, could he please look into this further, when he returns back to his Ministry on Monday morning, that in the new Mid Harbour housing estate, I think it is Bow Wave House – it is a particular block there and it has got two lifts, one of which was broken down for a small period of time. Some tenants classify it now as having been 'repaired', because the lift does actually reach up to only certain floors, but those who live on the higher floors classify it as still 'pending repairs'.

1480 Perhaps I will find a minute next week and drop a nice cordial note to the Hon. Minister, but it is one of those categories that, in my experience, having been a Minister on that side of the House, your technical officers say, 'Yes, that job was given out and has been ticked as completed,' but it has not quite been fully completed. So, in case I am slightly delayed next week due to other personal family duties I may have, the Hon. Minister may want to, during the course of Monday morning, just hint to someone that can they please check out that, because it does affect the quality of life, when someone can only get the lift up to a given floor and have to walk the next steps. When you get to our age, every step seems like a mountain, rather than a hill!

1485 **Hon. C A Bruzon:** Yes, I will do that Mr Speaker.

1490

**Government housing stock  
New jobs requiring work**

1495 **Clerk:** Question 539, the Hon. E J Reyes.

1500 **Hon. E J Reyes:** Can the Minister for Housing state how many new jobs have been added to the list requiring the attention of the Housing Ministry, since the answer given to Question 424/2012, stating the category of work required to be undertaken and broken down into categories of both Pre-war and Post-war housing stock?

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1505 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

There are, in fact, a total of 494 new jobs that have been added to the list, of which 96 are external and 398 are internal.

*See next page for Schedule:*

**ANSWER TO QUESTION 539**

A total of 494 new jobs have been added to the list of which 96 are external works and 398 are internal works, as follows:-

External Works			
Work Category	Pre-War	Post-War	Total
Window, Shutters	5	31	36
Plumbing	7	11	18
External	8	23	31
Letter Boxes	-	11	11
<b>Total</b>	<b>20</b>	<b>76</b>	<b>96</b>

Internal Works			
Work Category	Pre-War	Post-War	Total
Bath or Shower conversion	-	1	1
Bathroom Unit replacement	-	7	7
Carpentry repairs	9	29	38
Cleaning of flat	5	9	14
Drains, rodding and cleaning	1	6	7
Emergency repairs	21	103	124
Masonry repair	4	17	21
Letterbox repairs	-	3	3
O/T Repairs/Refurbishment	-	7	7
Painting	1	20	21
Plumbing repairs	6	138	144
Refurbishment – Empty flats	2	9	11
<b>Total</b>	<b>49</b>	<b>349</b>	<b>398</b>

1510

**Government housing stock  
Jobs contracted out and cost**

**Clerk:** Question 540, the Hon. E J Reyes.

1515

**Hon. E J Reyes:** Can the Minister for Housing state how many jobs have been contracted out, stating the date, type of work, estimated cost and to which companies by the Housing Ministry, since the answer given to Question 425/2012 and broken down into categories of both Pre-war and Post-war housing stock?

1520

**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 trying to hand over the information to the Members opposite. The information will be found in the schedule, which is making its way to my hon. Friend. May I say that, since the answer to Question 524/2012, the Housing Ministry has contracted – *(Interjection)* 425, yes, I beg your pardon. Six jobs have been contracted out.

1525

*See next page for Schedule:*

**ANSWER TO QUESTION 540**

Since the answer given to Question No. 425 of 2012, the Housing Ministry has contracted 6 jobs as follows:-

Date	Work Category	Estimated Cost	Company	Type of Housing Stock
16/05/12	Duct Panel Repairs	£820	Skybridge	Post-War
21/05/12	Plumbing repairs	£700	Skybridge	Pre-War
24/05/12	Flooring repairs	£785	Skybridge	Post-War
29/05/12	Flooring repairs	£185	Skybridge	Post-War
30/05/12	External repairs	£1640	Gemini	Post-War
01/06/12	External repairs	£130	Gemini	Post-War

1530

**Hon. E J Reyes:** Mr Speaker, would the hon. Member happen to have any additional information? I see that flooring repairs, repairs to two particular items there, happen to be in Post-war housing stock. My imagination went to Pre-war and I was thinking of the old type of wooden floor that woodworm or whatever could have got the better part of it, but Post-war tend to be a more solid concrete type of thing. Does he happen by mere chance to have any information of what it was about?

1535

**Hon. C A Bruzon:** I really do not have any more information on that, Mr Speaker. All I can say is that we have attempted at least to give a general explanation as to the jobs in question and that 'flooring repairs' mean 'flooring repairs'.

1540

If the hon. Member wants more details, I can certainly try to provide them for him, but here unfortunately I cannot.

**Hon. E J Reyes:** I am grateful, Mr Speaker. If I do wish to take it up further, I shall obviously have to give due notice.

1545

Thank you.

**Co-ownership housing estates  
Meetings with Management Companies**

1550

**Clerk:** Question 541, the Hon. E J Reyes.

1555

**Hon. E J Reyes:** Can the Minister for Housing state if he has, since his answer to Question 426/2012, held meetings with any management companies of co-ownership housing estates, in order to address any new or ongoing concerns?

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1560

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Similarly to the answer given last month, Mr Speaker, no member of any such management company of co-ownership housing estates have approached me for such a meeting.

1565

**Hon. E J Reyes:** Yes, Mr Speaker, I do not doubt what the Hon. Minister says; it is just that I wonder why it is that when committee members of management companies tend to bump into me in some areas, they say to me, 'Oh, I will keep you informed in the future, because I have requested meetings, to look at a particular issue...' The last one that was brought to my attention, it seems that in a particular co-ownership estate, when there are these unfortunate and sudden power cuts, it seems to be affecting some type of machinery and it is just costing them an arm and a leg now to repair it, because they have got to bring in technicians and so on.

1570

It could well be, Mr Speaker – and I am going to give the Minister the benefit of the doubt – that I know what it is like in committees: they discuss it and no-one has quite got down to asking for a meeting. If I do get

some more detailed information, would it be acceptable to the Hon. Minister that I then write to him directly and perhaps we can both expedite this matter?

1575 **Hon. C A Bruzon:** Absolutely, Mr Speaker, I would be grateful if he did that or ask for the persons involved to write to my secretary. But I would be happy either way.

1580 **Housing Agency employees  
Retirements, transfers and new engagements**

**Clerk:** Question 542, the Hon. E J Reyes.

1585 **Hon. E J Reyes:** Can the Minister for Housing state how many employees have retired or been transferred from the Housing Agency, since his answer to Question 430/2012 and how many new employees have been engaged by the Agency, since that date, in accordance with the agreement reached between Government and the unions?

1590 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, no employees have retired or been transferred from the Housing Agency since my answer to Question 430/2012 and no employees have been engaged by the Agency since that date.

1595 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but last time this question was posed and I was given the due schedule that in fact actually gave me then the breakdown of who had been transferred and who had actually retired, I took it that the Hon. the Minister for Employment was also going to get slightly involved, to see what the agreement with the unions had been, because there was an agreement that whereby after so many number of people had exited that Department, there had to be some recruitment. I note that no-one has been taken in, so the Housing Works Agency, of whom I have hinted that we both have to be on the lookout, in case they are not quite producing as much as we would like them to: I feel that they are now suffering from depleted human resources. So one cannot really ask them for a greater output if the actual resources available to produce those repairs and so on have been depleted, rather than being met in accordance with the agreement.

1600 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but last time this question was posed and I was given the due schedule that in fact actually gave me then the breakdown of who had been transferred and who had actually retired, I took it that the Hon. the Minister for Employment was also going to get slightly involved, to see what the agreement with the unions had been, because there was an agreement that whereby after so many number of people had exited that Department, there had to be some recruitment. I note that no-one has been taken in, so the Housing Works Agency, of whom I have hinted that we both have to be on the lookout, in case they are not quite producing as much as we would like them to: I feel that they are now suffering from depleted human resources. So one cannot really ask them for a greater output if the actual resources available to produce those repairs and so on have been depleted, rather than being met in accordance with the agreement.

1605 Is the Hon. Minister aware if the contract has been looked into and, if it has not, can I at least have an assurance from him that he will look into what the arrangements were with the unions, so we keep that part of the bargain and numbers be employed accordingly?

1610 **Hon. C A Bruzon:** Mr Speaker, far be it for me to delve into the shoes of the Hon. Joe Bossano, Minister for Employment, who is not here today. I am sure he would have been able to give you information on that, but the answer that I have given is exactly reference the question that I was asked. That is all I think I need to say on the matter.

1615 **Hon. E J Reyes:** Yes, that is acceptable, Mr Speaker, but would the Minister then take it upon himself, with his colleagues, to look upon the number of people who have been transferred or retired from the Housing Agency, so that Government's part of the bargain is then kept?

1620 Can he at least assure this side of the House that he, in a collegiate manner, will look into that with his colleagues?

**Hon. C A Bruzon:** Mr Speaker, the actual performance of the employees of the Housing Works Agency is improving and they are performing really well. All I can say is that any reference made by the hon. Member – I forget the phraseology he used – reference any lack of performance or inability, because there is too much work for very few employees, I can assure him that they are all fully employed and it is only when certain jobs are beyond their ability to perform, that we would bring in small companies to do certain jobs.

**Hon. E J Reyes:** Yes, Mr Speaker, for the sake of any doubt, I am not criticising the efficiency levels of the Agency. What I am hinting at is that if the human resources side of the Housing Agency has diminished, then one could not, at any stage, try to say to them, 'Look, why isn't your output greater?'

1630

What I have asked the hon. Member is would he, together with whatever other corresponding colleague of his should get involved, look at that agreement the Government has with the employees of the Housing Agency, as done for the unions, that for every so many number of employees that have left the Agency, either through retirement or transfers, that  $x$  number of people would be employed in their place so that there is an agreement on manning levels. Can he at least say to us now that he will take it upon himself to be looking into that matter?

1635

**Hon. C A Bruzon:** Mr Speaker, the actual workforce is exactly the same as it was when the question was last asked and I am sure, on this side of the House, we would be happy to provide information when it is asked, showing the details of the question.

1640

I cannot now provide any further information – we would need notice of the question – and I think if I may suggest it, Mr Speaker, that question, if it is to do with employment, should be directed to the Minister for Employment, Mr Bossano.

1645

**Hon. J J Netto:** Could I ask a supplementary question, does the Hon. Minister know whether, as from the 9th December, any member of the Housing Works Agency has retired?

**Hon. C A Bruzon:** That information has already been given in the House last month. The answer is yes.

1650

**Hon. J J Netto:** Does he know, from the top of his head, what the figure might be? Is it more than ten, less than ten?

**Hon. C A Bruzon:** There was a specific question asked last month and Mr Reyes has the information. I think it is less than ten, definitely. It was one or two...

1655

**Hon. E J Reyes:** Mr Speaker despite my bump of information, having been the last set of Hansard, I seem to have left it in my sitting room at home. I apologise for that.

1660

I accept that there has been no-one retiring or transferring out since the last Question Time. What I was asking the Hon. Minister was, could he please take it upon himself to take on board with whatever other ministerial colleagues he needs to, that seeing that there exists – and it was acknowledged last time round, as well – there is an agreement that after so many people leaving the Agency, they would be replaced by a number, whether it is, whatever the ratio was, whether it is six have left, two or three would be taken on or whatever, and last time round, Government confirmed to us that no-one new had been taken on and, a month later, no-one new has been taken on. I am of the opinion that there is a hole there.

1665

Someone should be taken on and they can look into it so that the whole process of advertising, selection and so on, commence and if we wait for another month to be able to pose a question for the Hon. Minister of Employment then it is the Housing Works Agency that lose one month's work.

I was just asking in a nice cordial, collegiate approach if he can take it upon himself. If he doesn't want to

1670

**Mr Speaker:** It doesn't seem to have bothered the other contracting party it seems, anyway. If they have depleted numbers, it doesn't seem to have bothered the other contracting party, but ...

1675

**Hon. J J Netto:** Can I ask one question. Does the Hon. Minister know, since 9th December, if anyone has been employed into the Housing Works Agency?

**Hon. C A Bruzon:** Mr Speaker, I would be grateful if you would give me notice of that question. I think I partly answered it last time, but ...

1680

**Government housing list  
Breakdown of allocation requirement**

1685

**Clerk:** Question 543, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Housing state how many applicants are presently on the Government's housing waiting list, giving a breakdown of their housing allocation requirements.

1690

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Hon. C A Bruzon:** Mr Speaker I will now hand the hon. Member a schedule containing the information requested. Without going into the details of which, they will soon see in front of them there are 1,677 applicants on the Government's housing waiting lists.

**ANSWER TO QUESTION 543**

There are 1677 applicants on the Government's Housing Waiting Lists. The breakdown is as follows:

WAITING LIST	
1RKB	801
2RKB	56
3RKB	109
4RKB	86
5RKB	9
6RKB	3
<b>TOTAL</b>	<b>1064</b>

PRE-LIST	
1RKB	448
2RKB	40
3RKB	70
4RKB	43
5RKB	10
6RKB	2
<b>TOTAL</b>	<b>613</b>

1695

**Government housing list  
Numbers allocated a flat**

**Clerk:** Question 544, the Hon. E J Reyes.

1700

**Hon. E J Reyes:** Can the Minister for Housing state how many applicants on the Government's housing waiting lists have, since his answers given at the last Question Time, been allocated a flat, giving a breakdown of the size of the home and indicating whether these have been assigned following the advice of the housing allocation committee?

1705

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Hon. C A Bruzon:** Mr Speaker, I will now hand the hon. Members another schedule containing the information requested.

1710

For the benefit of those listening on Radio Gibraltar, let me say that a total of twenty applicants on the Government's housing waiting lists have been allocated a flat.

*See next page for Schedule:*

**ANSWER TO QUESTION 544**

Twenty applicants on the Government's Housing Waiting Lists have been allocated a flat. The breakdown of the size of home is as follows:

1RKB	2
2RKB	3
3RKB	13
4RKB	-
5RKB	1
6RKB	1
<b>TOTAL</b>	<b>20</b>

All flats have been assigned in accordance with established procedures.

1715

**Government housing list  
Names removed as result of home purchase**

**Clerk:** Question 545, the Hon. E J Reyes.

1720

**Hon. E J Reyes:** Can the Minister for Housing state how many applicants on the Government's housing waiting list have since his answer given at the last Question Time, been removed from the waiting list due to purchasing their own homes?

1725

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Hon. C A Bruzon:** Mr Speaker, three applicants have been removed from the waiting lists due to purchasing their own homes.

1730

**Government housing stock  
Asbestos in flats**

1735

**Clerk:** Question 546, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Housing state from the housing surveys carried out on Government flats, how many such flats have asbestos therein and of those, how many have asbestos that needs to be removed due to the fact that they have been tampered with and could be releasing airborne fibres?

1740

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

**Hon. C A Bruzon:** Mr Speaker from the housing surveys carried out in Government flats to date, all asbestos found has been safely removed and replaced with other safe materials. I apologise to the hon. Member for one item of the answer that is missing, which is how many such flats. I will get that number for him as soon as possible.

1745

**Hon. J J Netto:** I am grateful, obviously, that at least the hon. Gentleman has acknowledged the fact that a part of the question has not been answered and he is more than willing, so I am grateful for that.

1750

So there is a number, which we will find out what is the total number, of surveys which shows from 2006 how many Government flats have got asbestos and now we know from the other part he has answered that, at the moment, there isn't any Government flat which there may be asbestos which has been tampered with



because all such flats which have asbestos which has been tampered with, all the works have been carried out. Is that correct?

1755 **Hon. C A Bruzon:** That is correct, Mr Speaker.

1760 **Government housing stock**  
**Elderly persons requesting installation of shower unit in flats**

**Clerk:** Question 547, the Hon. J J Netto.

1765 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state the number of elderly persons who have requested the installation of a shower unit in their flat and the date on which the appropriate report was made to the reporting office?

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly .

1770 **Hon. C A Bruzon:** Mr Speaker I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 547**

As the hon Member has not specified a date and reliable data is not available prior to the onset of the Housing Works Agency, the figures provided are from the 4<sup>th</sup> February 2011 to date.

Date Reported	No. of reports
February 2011	5
March 2011	3
April 2011	5
May 2011	3
June 2011	0
July 2011	1
August 2011	3
September 2011	2
October 2011	11
November 2011	8
December 2011	2
January 2012	7
February 2012	1
March 2012	7
April 2012	10
May 2012	2
<b>TOTAL</b>	<b>70</b>

1775 **Hon. J J Netto:** I noticed that, as part of a previous answer, the Hon. Minister for Housing gave to my hon. Friend, the Shadow Spokesman for Housing, Mr Reyes, in relation to Question 427/2012 – I don't know whether he has got that information there available to him – but within that he said that works pending by the Housing Works Agency, and within the information there, bath or shower conversions, he gives a breakdown which is Pre-war one, Post-war 24 and a total of 25.

1780 Now if my recollection is correct, 427/2012 must have been the May sitting of Parliament. With the information that the hon. Gentleman has provided me, there is a total of 70. In other words, between May and June the figure has gone up between 25 and 70. Now it seems to me like a discrepancy: I don't foresee elderly people in their houses sitting on the edge of their sofas, listening to us and running to the reporting office for housing for a conversion from a bath to shower. So can the hon. Member explain this huge gap, or increase, of 25 from the last month to 70 in this month?

1785 **Hon. C A Bruzon:** No, Mr Speaker, I have no explanation.  
These are the facts as they have been presented to me. Did the hon. Member refer to a previous question that has been answered already.

**Hon. J J Netto:** Yes.

1790 **Hon. C A Bruzon:** If you could repeat that number, I will certainly investigate.

**Hon. J J Netto:** It is Question – I mean I can do a photocopy, there is nothing – 427/2012, which is the main sitting of Parliament and there they provided, among many other things, information on works which are *pending* to be done and for bath to shower conversion: it said one Pre-war, 24 Post-war, total 25.

1795 Now, when I look at that figure and compare it with the figure that he has just given me, the total is now 70. So, in other words, it has gone from 25 to 70 in the course of four weeks. It is extraordinary, really: there must be an explanation because it is just not reasonable to expect that so many elderly people might have rushed in four weeks to do this. It is just not reasonable, so there must be an explanation for this.

1800 **Hon. C A Bruzon:** Yes, I believe there is, Mr Speaker, because word – good news travels fast, not just bad news – and people are cottoning on to the idea that the Government is doing such a wonderful job and this is literally the truth... (**Several Members:** Hear, Hear!) We are getting more requests for these jobs to be done. This is what we are doing and that is why the number has increased, Mr Speaker.

1805 **Hon. J J Netto:** Well, Mr Speaker, despite what the hon. Gentleman said, that good news spreads fast, you will forgive me for saying that no matter how much the good news is for the elderly in terms of shower conversions, there must be another explanation than ‘good news’.

1810 What I am asking the hon. Gentleman is that, given the more than 100 percent jump in-between one month and another, there must be an explanation, not by him, but obviously the people in the reporting office or the technical offices and the Department and that needs explaining. So all I am saying will he go back and find why there is such a huge increase between one month and the other. That is all I am asking.

1815 **Government housing stock**  
**Repairs and refurbishments for Occupational Therapy Department**

**Clerk:** Question 548, the Hon. J J Netto.

1820 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing provide the total number of reports originated by the Occupational Therapy Department in relation to outstanding repairs or refurbishments of Government housing stock, the date on which the Department requested the works and the estimated cost per request?

**Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1825 **Hon. C A Bruzon:** Yes, Mr Speaker; I will now hand the hon. Member a schedule containing the information requested. The general answer is that there is a total of 86.

*See next page for Schedule:*

1830 **Hon. J J Netto:** Mr Speaker, is there any explanation for the difference in figures between the figures that the Hon. Minister provided me with now, as opposed to the figures that the Minister for Health provided me before in Question 519/2012?

1835 If I understood the Minister for Health correctly, he said that – in terms of Government flats we are talking about here, we are not talking about the whole community – there were 36 flats, sorry 36 reports, there were eight pending, nine minor, 14 new cases and a total of 67. That is the figure he gave me.

Now, the Minister for Housing is giving me a figure of 86, so is there any reason why we have different figures because, as I understand it, the reason why I am asking the question is because, as I understand it,

1840 when a request is made it goes to the OT Department in the Health Authority. The relevant occupational therapist goes to the site and looks at the needs and necessities of the particular person and, over a period of time, does the report and the report is then sent to Housing at a certain point in time.

So, all I am trying to understand in my mind, how does the process work because the two figures ought to reconcile somehow and it seems that... Can the Minister provide...

**ANSWER TO QUESTION 548**

As the hon Member has not specified a date and reliable data is not available prior to the onset of the Housing Works Agency, the figures provided are from the 4<sup>th</sup> February 2011 to date.

Date	No. of reports
February 2011	2
March 2011	1
April 2011	2
May 2011	2
June 2011	1
July 2011	1
August 2011	2
September 2011	1
October 2011	14
November 2011	4
December 2011	8
January 2012	7
February 2012	5
March 2012	25
April 2012	2
May 2012	6
June 2012	3
<b>TOTAL</b>	<b>86</b>

The estimated cost of each request is approximately £2,000.

1845 **Hon. C A Bruzon:** Yes, Mr Speaker, the figures should reconcile if we are talking about exactly the same period of time. But the specific question that I am being asked and the answer I am giving is from February 2011 to June 2012. We made that the starting point because there was no date suggested by the hon. Member as to from which date should we start looking into our records.

So, obviously, the answer that I have given is from February 2011 to June 2012. I would not be at all surprised if the information given by my colleague – (*Interjections*)

1850 **Mr Speaker:** Order, Order.

**Hon. Dr. J E Cortes:** If I may just say that...

1855 **Mr Speaker:** The Hon. the Minister for Health.

1860 **Hon. Dr. J E Cortes:** There has been no attempt on our side to – well, let me put it this way, we may be speaking about different timeframes. If what the hon. Member wants is a specific timeframe, a current timeframe, then perhaps he could be more specific as to what that timeframe is and perhaps the numbers could reconcile although, obviously, we will have to look into the system and see if these figures that I gave are generated by the Occupational Therapy side, not by the Housing side.

I am sure we can come up with a co-ordinated figure but we weren't asked to co-ordinate and we don't have a similar timeframe.

1865 **Hon. J J Netto:** But, Mr Speaker, my question to both Ministers is very clear. It is not about timeframe, it is about outstanding work.

It is not a question of saying from February to March or March to April, it is about outstanding work. So

the question is clear: outstanding work. My question to the Health Minister was how many of those reports which are outstanding (a) go to Government property, (b) to co-ownership and (c) to the private sector because only the OT have the complete picture of the whole of Gibraltar.

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I cannot ask that same question to the Minister for Housing because the Minister for Housing can only answer the question for Government flats. Now when I compare, when I am asking the same question and I compare the figure provided by the Minister for Health and I compare it against the figure provided by the Minister for Housing, there is a difference. There must be a reason for it, obviously, and I am trying to suggest, given that there is no timeframe, why is it that we have got different figures. That is what I am trying to establish.

1875

**Hon. C A Bruzon:** Mr Speaker, the question does ask for the date and my starting date was –

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**Hon. J J Netto:** The [*inaudible*] was asked –

**Hon C A Bruzon:** Yes, that is right.

**Hon. J J Netto:** – but not outstanding works.

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**Hon. Dr. J E Cortes:** Yes, but, Mr Speaker, if the dates that the Hon. Minister's Department has started this process is February, that may not be the same date in which the Occupational Therapy Department (*Interjections*)

1890

**Mr Speaker:** Order, Order.

**Hon. J J Netto:** If the hon. Member will give way, it doesn't work like that, the system.

The way the system works, even when the Occupational Therapy do pass the report to the Housing Ministry, whenever the work starts the OT staff is aware that the work is starting and is ensuring, on-site, that the work is being carried out in accordance with the specification of the OT. In other words that the craftsman is not putting the handrails at a length or a distance which does not go in conformity with that, so there is a hand in glove approach between the work on site by the OT and the people who carry out the housing.

1895

So it isn't that they are not aware: they are aware because they are there at the time at which it is happening, so it cannot be on the basis of what the Hon. the Minister for Health has said. There must be another explanation and we need to establish why there is a difference.

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**Hon C A Bruzon:** Mr Speaker if we look at the question, as it was asked, and the answer as it has been given, the question if I may repeat it, Mr Speaker, for the sake of clarity:

1905

'Can the Minister for Housing provide the total number of reports originated by the Occupational Therapy Department –'

**Hon. J J Netto:** No, no, no!

**Hon. C A Bruzon:** Excuse me.

1910

'– in relation to the outstanding repairs or refurbishment of Government housing stock, the date on which the department requested the works and the estimated cost per request?'

Now the answer that I have not read out but which the hon. Members opposite have access to, says:

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'As the hon. Member has not specified a date and reliable data is not available –'

– at least to me, anyway –

1920

'– prior to the onset of the Housing Works Agency, the figures provided are from 4th February 2011 to date.'

So the answer is that which we have given. If there is a difference, it is because I am trying to provide the answer giving a starting date. It does not say that there weren't any reports before that, but that is my starting

point.

1925 **Hon. J J Netto:** The question is the reported date of outstanding works but, in any case, Mr Speaker, given that, even on the assumption of what the hon. Gentleman has said, given that he is basing the total of 86 as from February, then he should have been even *less* than the amount of the figure that the Hon. the Minister of Health has given me, even on that basis.

1930 But the premise is wrong because it is not 'on the date', it is the amount of outstanding works, so the point I am trying to accept and I don't necessarily want an answer now, all I am trying to say as a form of a question is that, somehow, perhaps because there is no communication between Housing personnel staff with the OT staff, what has happened here is that the Hon. the Minister for Health has gone to his department, he has got information, as has been compiled there, the Minister for Housing has got information from his staff that was compiled there, but there is a lack of communication between the two because it is exactly the same question, so can I ask both Ministers whether they can find what is the difference, why do we have a different figure?

1940 **Hon. Dr. J E Cortes:** Mr Speaker, if there is a lack of communication, it is a lack of communication in the system that has been inherited from – (*Interjections*) Yes, it is absolutely true. (*Interjections*)

Mr Speaker, I am sure there is a clear and logical explanation for the fact that the figures differ, although they differ by – how many? 86 versus 67, which is a difference of what, 19? It may be that the 17 Albert Risso flats, which were not included in the 67, are on the Housing Agency's records, which would make a difference of one or two, which I think is fairly acceptable when you are looking at two sets of data, so maybe that is the explanation.

1945 **Hon. J J Netto:** In the previous question, the hon. Member said he was not going to answer a hypothetical question. Now he is putting his answer on the basis 'maybe'. Well maybe means a hypothetical scenario which may or may not happen and I am not interested in maybe's. What I am interested in is fact. So can the Hon. Minister try and establish the fact on the basis of what is the real situation and not on maybes and hypotheticals.

1950 **Hon. Dr. J E Cortes:** Mr Speaker, I don't know whether the Standing Orders allow for hypothetical answers or not.

1955 **Mr Speaker:** They do.

**Hon. Dr. J E Cortes:** They do. Then my hypothetical answer stands. (*Laughter*)

1960 **Mr Speaker:** Unfortunately there is nothing in the Standing Orders which covers the answers.

**Hon. J J Netto:** Well, Mr Speaker, if it is a hypothetical answer, could the Hon. Minister at least go back to his Department and ensure that the hypothetical answer is the correct answer.

1965 **Clerk:** Question 549...

**Mr Speaker:** The Hon. Mrs I M Ellul-Hammond.

1970 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that these repairs are mainly health related and, therefore, potentially urgent, how are they prioritised on the list for housing repairs and refurbishment? Is it by date, is it by urgency: what is the system?

**Mr Speaker:** The Hon. the Minister for Health.

1975 **Hon. Dr. J E Cortes:** Mr Speaker the hon. Lady should be careful when she says that they are 'urgent'. Some of these repairs have been there – repairs or alterations – since 2009, so I don't know whether they are urgent now, but they weren't urgent then! I just needed to point that out.

1980 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I asked if they could potentially be urgent and what was the system of prioritisation. Was it by date or was it by urgency? I therefore infer from your answer that *perhaps* the 2009 report was not based on 'urgent', as urgent as somebody who reported it last year, and maybe the repair has been done.

1985 **Hon. Miss S J Sacramento:** Mr Speaker, as Minister with responsibility for equality, which would include disability, I have been dealing with the Ministry for Housing in relation to any outstanding works relating to the Occupational Therapy reports. I am aware when I made the enquiry some months ago that there were numerous works outstanding, the bulk of them dating to 2011, 2010 and there were some dating back to 2009. In fact, there were some dating back even later but I understand that those have been addressed and therefore they will not be reflected in these figures.

1990 As I understand – (*Interjection*) Well, yes, Mr Speaker, and unfortunately some people have died whilst they have been waiting for their outstanding OT work to be undertaken. But as I understand it, Mr Speaker, the backlog that was in place when we came to office, especially in relation to the conversion of baths to showers, as I understand it, has all been dealt with. Therefore, in my capacity as Minister for Equality, we have been working towards introducing a system that would prioritise all OT reports and that is the answer to that question. Yes, they are given priority.

1995 **Mr Speaker:** The Hon. the Minister for Health.

**Hon. Dr. J E Cortes:** Mr Speaker, if I may ...

2000 **Hon. D A Feetham:** Mr Speaker, there have been now three answers by three separate Ministers of a question... (*Interjections*)

**Mr Speaker:** Yes.

2005 **Hon. D A Feetham:** You talk about Standing Orders. If there is an answer, then that is the answer, otherwise the entire team opposite is going to be commenting on this!

2010 **Mr Speaker:** Well, I accept that there have been answers by three different Ministers to the question and I did give it some thought, but one must bear in mind the question is posed in a manner, for example, started by the Hon. Jaime Netto, where he refers to discrepancies between information given by one Minister and the other Minister, so there has to be a degree of answering by two Ministers at the very least.

2015 With respect, you cannot accuse – I use the word guardedly – 'suggest', there is a discrepancy between two Ministerial answers and not allow both Ministers the opportunity to answer, so that will explain why there is a multiplicity. But I am not in any way curtailing the supplementaries. All I am doing is allowing the answers to enable a supplementary to take into account as, indeed, the Hon. Jaime Netto has been able to do, which is take into account the discrepancies and formulate supplementaries.

The opportunity will be given to all Members on this side to formulate as many supplementaries as they like but it would help, I think, to have the answers and to formulate the supplementary.

2020 **Hon. G H Licudi:** Mr Speaker, in any event, it is not understood what the nature of the complaint by the hon. Member is.

2025 If you have more than one Ministry involved and more than one Minister having information which is relevant to the question that is being asked, it is perfectly proper and possible and, as I understand it, within the rules, subject to any ruling you might make, for one Minister to give part of an answer, another Minister to give part of an answer and, in this particular case, we have got a third Minister who has specific responsibilities for disability, having relevant information.

So what is it, we don't give answers or we give too many answers with too many Ministers answering the questions? (*Applause*)

2030 **Hon. D A Feetham:** The hon. Gentleman should calm down and not get so excited. (*Laughter*).

**Mr Speaker:** Order.

2035 **Hon. D A Feetham:** We have had... There is a discrepancy between the answer given by Mr Bruzon with the answer given by Mr Cortes. Mr Bruzon has answered, Mr Cortes has answered, Mrs Sacramento has answered. Now *you* have made a contribution. The hon. Lady... and, in actual fact, none of those contributions have answered the question that the hon. Lady Mrs Ellul-Hammond has actually asked, because she has asked the question, well, how are these jobs actually prioritised?

2040 What you have done is, you have given vent to party political propaganda about, well, 'these are outstanding since 2009, 2010' and you have not answered the question, which is how are these jobs actually prioritised? The point I was going to make is, well, look, there have now been three Ministers that have effectively made contributions in answer to the question and none of them have answered – and we are now on the fourth. (*Interjections*)

2045 **Mr Speaker:** Order, Order.

**Hon. G H Licudi:** Mr Speaker, the answer has been given.  
We have the typical situation here, where the hon. Members opposite get up and complain about the answer not satisfying what they might want to hear and they say 'You have not answered.' Well, the answer has been given and, in respect of more than one Minister getting up and making contributions, we have now had three Members – there are seven Members, well, rather there are six Members there – half of the Opposition has contributed in this particular question. You often have situations where you have one Member of the Opposition asking a question and then a separate Member of the Opposition asking a supplementary. That is what has happened here... (*Interjections*)

2055 The hon. Lady on the Opposition benches has got up and the Hon. Minister for Social Services has felt it appropriate that it was her answer that ought to be given. I honestly can't understand what the hon. Member is complaining about – and now it seems we are going to have a *majority* of the Opposition contributing to this debate, with the hon. Mr Bossino...

Mr Bossino, I give way to you.

2060 **Hon. D A Feetham:** No, look, I am sorry,

**Hon. G H Licudi:** You see, Mr Bossino is dying to get up, so I give way to him! I have given way to Mr Bossino.

2065 **Hon. D A Feetham:** Oh, so you are trying now... (*Interjections*)

**Mr Speaker:** Order, order!

2070 Is it suggested that the Opposition is not being given an opportunity to ask questions. That cannot be the complaint.

**Hon. D A Feetham:** What I am suggesting is that, in fact, there has been a question, it has now been answered by three Ministers, none of which have in fact answered the question that the hon. Lady has asked. Now we are moving to the fourth opportunity on the other side, none of which have answered the question, all of which have entered into this political discourse about these works dating back to 2008 or 2009, or 2010 or 2011, but none of them have answered the question. Of course, we have been waiting patiently on this side of the House for an answer and we have heard, now, three different contributions: none of them have answered and I think that the hon. Lady is entitled to insist, as she was going to, before Mr Cortes was, again for the fourth time, going to answer on that side, to say, 'Look, please could you answer my question'. That was a supplementary that she was going to ask.

2080 **Hon. G H Licudi:** Mr Speaker, I was on my feet when the hon. Member interrupted what I said when I was on my feet, that I was giving way to the Hon. Mr Bossino, who was dying to get up and clearly contribute to the debate. So I again give way to the Hon. Mr Bossino, even though I was rudely interrupted by Mr Feetham.

2085 **Mr Speaker:** Order, order.

Let's not start describing contributions. Does the Hon. Damon Bossino wish to say anything regarding the

[inaudible] debate? Not into the question. Let's look at the position here.

2090 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can I reiterate a supplementary question.

**Mr Speaker:** I will allow you to deal with that in a minute.

2095 I am just dealing with the procedural aspects, to the extent that the question and this line of questioning now refers to discrepancies between different Ministers' answers, which is clearly what the question is about, with respect, I must allow both Ministers to answer the question.

**Hon. D A Feetham:** But you have

2100 **Mr Speaker:** And I have, so that cannot possibly be the complaint.

Now, the Hon. Minister for Equality – and do forgive me for not remembering the title – there was a question on prioritising and, in that respect, the hon. Lady answered what she sees the manner of dealing with the issues. She has chosen to refer to outstanding issues going back to 2009/10. That may be regarded – and I am forming no view on that, it is not my job to form a view – as a political answer but that is the hon. Lady's answer in terms of prioritising. Whether we like it or not, that is the answer.

2105 Now, as I say, it is not for me to judge the quality of the answer but, in answer to the prioritising question, that is the answer which came forth, that is her answer.

2110 I was just going to allow the Hon. Dr. Cortes, the Minister for Health, to answer because we are still talking about prioritising and the numbers and I will give the Opposition opportunity to come back and either criticise the answers or to ask further supplementaries. I will ask and allow the Hon. the Minister for Health.

2115 **Hon. Dr. J E Cortes:** Mr Speaker to do our arithmetic, I am going to repeat so that we are clear. The Hon. the Minister for Housing has 86 on his list. I mentioned 67 plus 17 in Albert Risso. If we are to assume – it is an assumption and we will look into it – that we add the 17 plus the 16 we get 84 and 86 and it is very possible that there may be one or two which may have been completed in the time that our two data sets were collected.

2120 What I am saying is that the figures, if we look at it like this, may not be as inconsistent and, if I may, Mr Speaker, I just want to say one more thing. I am now after, I think, five sessions beginning to thoroughly enjoy sitting in Parliament and I will prove that I have become part of the fold by saying four words in a minute... Any implication by the Opposition that this Government gives less importance and less urgency to refurbishing habitation for disabled people is no more and no less – wait for it – than 'the height of hypocrisy'. The first time I have ever said that, Mr Speaker.

**Mr Speaker:** The Hon. Isabel Ellul-Hammond.

2125 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if I may just reiterate the question: what is the process at the moment – and I directed this question at the Minister for Housing – for prioritising requests for Occupational Therapy repairs or refurbishments to Government housing?

2130 **Hon. C A Bruzon:** The answer is that we prioritise all requests and that, without trying to be too political, Mr Speaker, we have dealt with quite a large backlog that we have inherited. All those have been completed. They were completed, they are already completed now: there are a total of 24 bath to shower conversions that we are still working on and all of them have been prioritised.

2135 However I will concur 100 percent with my hon. Friend and colleague, Samantha Sacramento, that we give top priority to people with special needs. That is my answer, Mr Speaker.

**Hon. J J Netto:** Can I ask a supplementary question?

**Mr Speaker:** Yes.

2140 **Hon. J J Netto:** Mr Speaker, regardless of whether the number of outstanding jobs to be carried out is 86 or 67, or anything in between, can I ask the Minister for Housing, whatever the figure is, whether these works will be carried out within the next three months?



2145 **Hon. C A Bruzon:** I cannot answer that question exactly. We dealt with this last time in Parliament: I am not a believer in giving periods like three months or six months, or one year. My answer would be that I would give top priority to any request from any tenant with a job that has to be done to be done as soon as possible.

2150 There are sometimes problems when we have to wait for materials to arrive. That happens, not all the time, but it does happen. There are some showers that are waiting for a small additional component that has not arrived but we are doing our *utmost*. Not only have we cleared the backlog that we inherited but we are literally working round the clock to ensure that elderly people and people with a disability have these conversions done as soon as possible.

2155 **Hon. J J Netto:** With respect to the Hon. Minister, he has already conceded the fact that these are urgent works. Nobody is disputing that the nature of this type of work, either for medical reasons or for issues of disability, there are urgent reasons... So I cannot accept, on the basis of that, that he does not know when the works will be carried out because it is quite simple for the Minister to go back to the Housing Agency and to his officials, to be able to know whether the work has been already categorised as 'urgent', they are now scheduled to be carried out by the Housing Works Agency within the next three months, the next six months, the next twelve months or, in other words –

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**Hon. C A Bruzon:** Will the Gentleman give way, please?

**Hon. J J Netto:** Yes, I will.

2165

**Hon. C A Bruzon:** Mr Speaker, I have not said that I don't know that the works have been carried out. The works are definitely being carried out and I have not said that they are going to take a year: I was giving an example, maybe a bad one, that I am not a believer in putting a timeframe, 'you must do this within a three month period'. No, you must do this *as soon as is possible*. That is what I am trying to say. Please don't misquote me.

2170

Mr Speaker.

2175 **Hon. J J Netto:** Accepting that, and even accepting the fact that some of the equipment are specialised equipment, therefore you have got to accept that this equipment will come from further afield and, obviously, that is delay... I accept all of that but, having accepted all of that, at the same time we do realise that, for medical or disability issues, the nature of this kind of works are urgent. If we know they are urgent, then we know the officials in the Ministry for Housing in the City Hall will issue instructions to the Housing Works Agency for the works to be scheduled in an urgent manner so, therefore, if everyone accepts the premise of my question, then the Minister should know, all things being equal, whether equipments are coming or not, whether this work, whatever the figure, will be done in the next three months or not, because the foreman and the people who are managing the housing would say: 'Well, knowing the schedules, Monday, so many tradesmen will go to do this job and so many tradesmen to that job and the following week...' There is a schedule and, if there is a schedule, they know what the workers will be doing on this week, on this month, the next month and the next month.

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2185 Therefore, there is an answer to the question. He may not have it there with him, I accept that, but he can go back and find out whether the outstanding work will be done in the next three months, the next six months, the next twelve months. That is my question.

2190 **Hon. Dr. J E Cortes:** Mr Speaker, Government is dealing with a backlog and I know we are being criticised for going back in time but this is a reality. The flagship block for the elderly, Albert Risso House, has seventeen cases identified from the beginning of the occupation, because Occupational Therapy was not properly consulted and they couldn't even get into their showers.

We are dealing with backlogs. We have got to deal with backlogs, as well as the current things. The implications that I am hearing today are totally unacceptable, Mr Speaker.

2195

**Hon. J J Netto:** Yes, but that doesn't answer the question.

**Mr Speaker:** The Hon. Daniel Feetham. (*Interjection by Hon. Dr. J E Cortes*)

(*Interjection by Hon. J J Netto*) Order. The Hon. Daniel Feetham.

2200 **Hon. J J Netto:** Point of order, Mr Speaker. It is not for members of the Government to tell the Opposition what questions to ask.

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

2205 **Hon. D A Feetham:** Yes can I return back to the question of the priorities because I haven't quite understood the answer and I think you know we are not trying to score political points here (**Several Members:** No!)

2210 Look, Mr Speaker, Mr Linares ought to give me the courtesy of allowing me to answer the question. (*Interjection*) Sorry, ask the question, I beg your pardon, because there are constituents out there who are may be waiting for jobs and they would like to know the criteria for determining the order of priority.

2215 The answer the Hon. the Minister for Housing gave was, as I understand it, this: we prioritise all of them. Now you can't, with respect, prioritise all of them because you are not *prioritising*, you are dealing with all of them equally. Then he said we prioritise – which was what the hon. Lady said – we prioritise special needs. Now, I understand that, you prioritise special needs –

**Hon. G H Licudi:** And the elderly.

**Hon. D A Feetham:** Well, elderly, that is the... (*Interjection*) I didn't quite hear that.

2220 **Mr Speaker:** Order, order. I think it would be helpful if the members on this side did not engage in a debate from a sedentary position.

**Hon. D A Feetham:** Yes, otherwise I am not going to finish.

2225 **Mr Speaker.** We won't hear the question. (*Interjection by Hon. G H Licudi.*)

**Hon. D A Feetham:** Mr Licudi, if you can allow me to... I haven't given way.

2230 I am going to ask the question. Now, prioritize special needs and the elderly. Are all the others effectively dealt with say, for example, by how old the request for the work is? Is that how they are dealt with, because there has to be a criteria in relation to that, or is it dealt with, for example, by reference to the urgency of the work, the nature of the work and the nature of the person? That's what we are trying to just find out because there are, obviously, going to be people out there who are waiting for works who will find that information of interest. I mean, it is nothing controversial.

2235 **Hon. G H Licudi:** [*Inaudible*] been waiting for three years. You were there. Mr Speaker, the answer is very simple and I know that the hon. Member didn't want to give way and then they complain about quality of debate in Parliamentary democracy and all that and I would have thought, as a matter of courtesy –

2240 **Hon. D A Feetham:** I was about to ask the question.

2245 **Hon. G H Licudi:** Well the only reason I wanted the hon. Member to give way was because he was reciting what the Hon. the Minister for Housing had said and was setting out the wrong information and although we were from this side of the House urging him to correct and I understand the comment by the Hon. Mr Speaker that we should not engage in debate across this House. That is why I asked the hon. Member to give way, so I could correct the information that he was giving in respect of what the Minister for Housing has given.

2250 The answer has been given in respect of the priority, which is what the question is about, and the question answered was that works will be done 'as soon as possible' and that means that priority is given but, as the hon. Members have also said, there is a backlog and there has been a backlog, which was inherited, and had to be dealt with. And we recognise the urgency of these works and priority has been given on the basis of the answers that have already been given and that is the state of play.

2255 **Hon D A Feetham:** With respect, you have not answered the question! I quite understand that you are dealing with, you are giving priority, to the elderly and special needs. That I understand, but in relation to the others, yes there is a backlog, now how are you dealing with the backlog. Are you dealing with the backlog in terms of the oldest first, or are you dealing with the backlog – that's what I am asking, it is a perfectly reasonable question. Now of course if you don't want to answer you don't have to, I mean yesterday there was a plethora of questions that weren't answered by those on that side of the House, starting by the Chief Minister. (*Interjections*)

2260

**Mr Speaker:** Order, order.

2265 **Hon. G H Licudi:** Well, no, Mr Speaker, there wasn't a plethora of questions which were not answered, there was a plethora of questions, perhaps unnecessary questions, which *were* answered and the hon. Members did not like the answers! It is too bad if they don't like the answers but they get the answers that we want to give, not necessarily the answers that they want to hear.

**Mr Speaker:** Anyway, as I see it, a question has been put. I ask the Minister, does he wish to answer?

2270

**Hon. C A Bruzon:** May I try to answer the Member opposite. The system that we have in place has been explained to the best of our ability. That category of people who do not come under the heading of special needs or the elderly will be looked at in terms of the chronology of the request. That is the simple answer.

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**Hon D A Feetham:** I am extremely grateful, because that is the answer.

**Mr Speaker:** Okay, I take it there are no more questions. Are there any more supplementaries on that line of questioning?

We can move to another question, another subject altogether.

2280

## TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

2285

### Frontier crossing Average waiting times since Question 437/2012

**Clerk:** Question 549, the Hon. D J Bossino.

2290

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it has taken vehicular traffic to cross the frontier since Question 437/2012 was asked.

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2295

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in a schedule which I now hand over to him.

*See next page for Schedule.*

**Answer to Question 549 of 2012**

**VEHICLES LEAVING GIBRALTAR**

2300

2012	No. of days with ...		Days with Queues		
	No Queues <sup>1</sup>	Queues	Av Waiting Time	Highest Average	Lowest Average
May	3	28	36 mins	91 mins	12 mins

<sup>1</sup> "No Queues" means that 4-lane queues were not in operation in Gibraltar.

2305

**Frontier crossing  
Average waiting times before Question 437/2012**

**Clerk:** Question 550, the Hon. D J Bossino.

2310

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it took vehicular traffic to cross the frontier, broken down on a monthly basis over the twelve months preceding the answer to Question 437/2012.

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

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**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in a schedule which I now hand over to him.

*See next page for Schedule.*

**Answer to Question 550 of 2012**

**VEHICLES LEAVING GIBRALTAR**

	No. of days with ...		Days with Queues		
	No Queues <sup>1</sup>	Queues	Av Waiting Time	Highest Average	Lowest Average
<b>2010</b>					
December	5	26	25 mins	40 mins	11 mins
<b>2011</b>					
January	6	25	23 mins	24 mins	17 mins
February	1	27	27 mins	30 mins	21 mins
March	0	31	29 mins	31 mins	21 mins
April	0	30	30 mins	33 mins	28 mins
May	2	29	27 mins	29 mins	22 mins
June	2	28	28 mins	29 mins	16 mins
July	4	27	29 mins	31 mins	19 mins
August	10	21	25 mins	28 mins	22 mins
September	6	24	27 mins	24 mins	37 mins
October	5	26	24 mins	26 mins	21 mins
November	8	22	25 mins	45 mins	10 mins

<sup>1</sup>"No Queues" means that 4-lane queues were not in operation in Gibraltar.

**Government tender advertised on 11th May  
Nature of consultancy services sought**

2320 **Clerk:** Question 551, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide details of the nature of the consultancy services it is seeking pursuant to the tender issued by the Government, as advertised in the *Gibraltar Chronicle* on 11th May 2012.

2325 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the tender notice issued on 11th May 2012 is an invitation for expressions of interest from consultants to assist the Government in the development of a new sustainable traffic, transport and parking plan for Gibraltar.

2330 Consultants will be pre-qualified based on a set of selection criteria and the successful ones will then be invited to submit bids. No further details can be provided at present, as the tender process ended on 15th June 2012 and the assessment and selection process is currently underway.

2335 **Hon. D J Bossino:** As I understood the question, Mr Speaker, the successful tenderer will assist the Government in relation to the formulation by the Government of its traffic plan. Is that the correct

understanding? I assume the answer is going to be yes.

**Hon. P J Balban:** Yes, Mr Speaker.

2340 **Hon. D J Bossino:** And given... I am trying to marry the information that I am receiving at this session of  
the House with the information which the Hon. Minister has provided me in previous sessions of the House  
and see how this fits in with the consultation process which commenced and ended in the month of January  
and then I was told in February when I asked for the data which his Ministry had collated as a result of that  
2345 consultation exercise and the answer was that the data would be produced in a summary spreadsheet which  
was, at that stage back in February, being collated and would be finished shortly. Then in March I was told in  
this House, Mr Speaker, that there would be a further tier, if you like, to the steps which were being taken by  
the Government before getting to the plan which was a user and trip survey, which I understood from the  
Minister at the time would have been conducted by his Department by way of a questionnaire to the general  
public. In fact, I think there was a resistance to providing the data collated as a result of the public  
2350 consultation exercise until the user/trip survey had been completed. Then the next step seems to be the  
advertising of this tender and I was unable to ask the question at the last session of the House because the  
advertisement had come out the day after the time limit for submission of questions, which was Friday 11th.  
So I set out for him in a brief summary the answers that I have received from him since January and I really  
want to know how this new development, if you like, fits in to the overall plan.  
2355

**Hon. P J Balban:** Mr Speaker, this is one more step towards our goal, which is the creation of a  
sustainable traffic, transport and parking plan for Gibraltar.

As the hon. Member obviously was asking about the user/trip survey, it is once we engage the consultants  
for this tender we will obviously be seeking advice from this consultant to be able to formulate the user/trip  
2360 survey so we can continue the process.

**Hon. D J Bossino:** Mr Speaker, I don't have the *Hansard* here available with me but I am slightly  
surprised by the answer just given by the Hon. Minister because, as I understood it, when I asked him in  
connection with the information I was seeking from him as to the data collected as a result of the public  
2365 consultation exercise started and finished in January, the reason why he was unable to provide this answer, Mr  
Speaker, was because a user/trip survey was currently at the time, i.e. in March, being conducted. So, can I  
ask the Minister whether there was a change to that and that was put on hold because the Government decided  
to go out to a private contractor in order to assist it – i.e. the Government and its Department – in the  
formulation of the traffic plan? There is an inconsistency in the answer they gave in March and the answer he  
2370 seems to be giving me now, unless he can clarify the position.

**Hon. G H Licudi:** Mr Speaker, is the hon. Member alleging an inconsistency without knowing, because  
he has admitted that he doesn't know what answer was given previously. How can he allege an inconsistency  
in those circumstances? I mean if he had *Hansard* and was reading from *Hansard* and saying 'I know that  
2375 this was the way this was answered', but he prefaced that by saying 'well I can't remember what he actually  
said' but then alleges that there is an inconsistency. As far as we are concerned, there is no inconsistency.

**Hon. D J Bossino:** Mr Speaker, just to clarify the point, I am relying on a note I made of my research and  
I was just being overly cautious, simply saying that I won't be able to *prove* to the House at this session, that I  
2380 have that I can show and quote chapter and verse the Minister's reply at the time but my note which is based  
on my research having looked at *Hansard* is, I think accurate and the note says, and I stand by what my note  
says, was that the user and trip survey was at the time being conducted. Look, the Minister ought to know,  
ought to have his own recollection of what he told me at the time and he is dealing with this matter, it is his  
Department, he is running the Department, he also has clear in his mind, what the position is. It is as simple as  
2385 that and all I am doing is asking for clarification and if the Minister for Justice is happy I withdraw the  
allegation of inconsistency I just want clarification.

**Hon. G H Licudi:** No, Mr Speaker, it is not a question of having to withdraw anything and that is not the  
point of my intervention but we cannot have questions being asked on the basis 'I recall this, what do you  
2390 recall?'. Either something is asked premised on fact or it isn't asked premised on fact and if the hon. Member

is saying, well, this is a fact, this is what I was told, then obviously we accept that will be a proper question, but we don't accept it as a proper question to say well I seem to recall that this happened, what do you recall happened two months ago, or three months ago, or four months ago? We don't believe that was a proper subject of Parliamentary supplementary questions.

2395

**Hon. D J Bossino:** Mr Speaker, all I can do is stand by my notes at this stage and the Minister did say, according to my note, that a user and trip survey was at the time being conducted and in fact that a public consultation exercise was fluid, it had not closed on 21st January 2012 and those were his answers and in fact the user and trip survey was what was holding back the provision of the details as to the findings of the results of the consultation exercise carried out in January.

2400

That is what I recall, that is what was said, sorry not what I recall but the notes I made as a result of my research of *Hansard*, it is just simply I do not have *Hansard* here in front of me. Now is the Minister willing to answer or not?

2405

**Mr Speaker:** I think the question is properly formulated. The hon. Member does say, the hon. Member does say that he hasn't got *Hansard* here but his notes reflect what he read in *Hansard*, that is as good as saying this is what *Hansard* says. I mean, ideally, *Hansard* but it is equally good for the hon. Member to say 'these are my notes, this is my understanding of what was said, will the Minister clarify whether the position has changed?' I think that is what the gist of the question is.

2410

**Hon. P J Balban:** Mr Speaker, the position has not changed. The whole traffic plan, the way it is meant to run is that, once the consultants are actually engaged by way of the tender, they will then provide us with information on how to go about doing the user/ trip survey. That was the plan from the very beginning.

2415

**Hon. D J Bossino:** Mr Speaker, I find it odd and would ask the Minister why it is that he made no mention whatsoever in any of the previous sessions, particularly when the user and trip survey was first raised by him in the March session of Parliament, that he was going to go to a private contractor by way of tender to assist him in carrying out this user and trip survey. Does the Minister not find that particularly strange?

2420

**Hon. P J Balban:** Mr Speaker, this is just part of the process. I don't see that this is strange whatsoever.

2425

**Prohibition and Improvement Notices  
Number issued in May**

**Clerk:** Question 552 the Hon. J J Netto.

2430

**Hon. J J Netto:** Mr Speaker can the Minister for Health & Safety state how many prohibitions and improvement notices were issued in the month of May 2012, if any, broken down by industry group and specify the reason or reasons for issuing the notice in this period which may have brought operations to a halt until the inspector was satisfied that the correct standard had been duly complied with.

2435

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker I will answer this question together with Questions 553 to 555 of 2012.

2440

**Factory Inspector  
Number of site meetings in May**

2445

**Clerk:** Question 553

**Hon. J J Netto:** Can the Minister for Health & Safety state how many site meetings were held and the advice given by the Factory Inspector during the month of May 2012, stating to which industry group this was given?

2450

**Accidents reported during May  
Industry group and details**

2455

**Clerk:** Question 554

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if there have been any reported accidents during the month of May 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

2460

**Factories Act  
Number of inspections and possible breaches during May**

2465

**Clerk:** Question 555.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state how many inspections during May 2012 did the Factory Inspectors conduct, showing the industry group targeted, whether any possible breach of the Factories Act or any subsidiary legislation by any private company, a Gibraltar Government or MOD workplace may have taken place and whether legal advice is being sought?

2470

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2475

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedules which I now hand over to him.

*See next page for Schedules.*

2480

**Hon. J J Netto:** Mr Speaker, could I ask if the Hon. Minister could assist me because, in the first paper, which is the first one which he has provided which has the heading at the top called 'Inspection, Site Visit and Advice', that is the one I am referring to, and I can see, for instance, if you go down to the construction it gives you the figures in January 14, in February 29, in March 38, April 17 and in May 29. Right. If I were to ask him for instance in the month of May for instance, for which there have been 29, of those 29 which have been inspections, which have been site meetings and which ones have been advice. Because I have asked specific questions for those categories but in the presentation of those figures, at least I can't deduce it, so can he assist me on that?

2485

**Hon. P J Balban:** Mr Speaker, just by the month of May, for example, 29 by the figures that I have been given, it doesn't seem as if I will be able to actually break them down by inspection, site visits and advice. So what I will do is I will ask the Factory Inspectors and I will get them to reply to that.

2490

**Hon. J J Netto:** I mean my question was very clear. The only thing is that the way the information is compiled does not distinguish the specific categories I have asked. So therefore he needs to break them down in a manner, I mean he can put it in one paper if he wants to but I need to deduce the specific answer, if he wishes to supply the answer in the manner in which I have asked the question.

2495

Now I understand that not only can I do this in the information provided now, but neither can I do it with the information provided last month because the same applies in the same month. So if he is going to go back, for which I am grateful, to the staff to be able to break down the figures so I can have the answers, can he also do it with the figures that he provided me with the previous month.



**Answer to Questions 552 to 555**

Table HS.1

**Monitoring Activities, 2012**

Industry Sector	Inspections / Site Meetings / Advice				
	January	February	March	April	May
Electricity Supply/Related				3	
Water Supply/Related					
Shipbuilding/Marine					2
Repairs					
Manufacture		1			
Construction	14	29	38	17	29
Wholesale Trade					
Retail Trade		2	3		
Hotel Trade					
Restaurants, Bar etc				2	2
Repairs Consumer Goods					
Sea Transport Related	1	2			
Air Transport Related					
Road Transport Related					
Post & Communications					
Bank, Finance, Insurance				2	
Public Admin & Natl					
Defence		1			
Police, Security, Fire					
Services					
Sanitary Services				1	
Education					1
Medical & Health Services					1
Other					5
Horticulture					
Unknown					
<b>Total</b>	<b>15</b>	<b>35</b>	<b>41</b>	<b>25</b>	<b>40</b>
<i>Updated</i>					

Source: Ministry for Traffic, Health & Safety and Technical Services

**CONT'D ANSWER TO QUESTIONS 552 TO 555**

**Answer to Questions 552 to 555**

Table HS.2

**Occupational Reportable Accidents, 2012**

Industry Sector	January			February			March			April			May		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Electricity Supply/Related															
Water Supply/Related	1														
Shipbuilding/Marine Repairs	2			1			1			2					
Manufacture															
Construction	2	1		2			2			6	1				
Wholesale Trade															
Retail Trade															
Hotel Trade	1														
Restaurants, Bar etc							1								
Repairs Consumer Goods															
Sea Transport Related															
Air Transport Related															
Road Transport Related															
Post & Communications															
Bank, Finance, Insurance															
Public Admin & Natl Defence	1			2											
Police, Security, Fire Services															
Sanitary Services	2										1				
Education											1				
Medical & Health Services															
Other															
Horticulture															
Unknown															
<b>Total</b>															
<b>Updated</b>	<b>9</b>	<b>1</b>	<b>-</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>8</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Source: Ministry for Traffic, Health & Safety and Technical Services

**CONT'D ANSWER TO QUESTIONS 552 TO 555**

**Answer to Questions 552 to 555**

Table HS.3

**Enforcement Activities, 2012**

**Prohibition/Improvement Notices Served**

Industry Sector	January		February		March		April		May	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Electricity Supply/Related										
Water Supply/Related										
Shipbuilding/Marine Repairs										
Manufacture										
Construction	1								1	
Wholesale Trade										
Retail Trade										
Hotel Trade										
Restaurants, Bar etc							1			
Repairs Consumer Goods										
Sea Transport Related										
Air Transport Related										
Road Transport Related										
Post & Communications										
Bank, Finance, Insurance										
Public Admin & Natl Defence										
Police, Security, Fire Services										
Sanitary Services										
Education										
Medical & Health Services										
Other										
Horticulture										
Unknown										
<b>Total</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>
<b>Updated</b>										

Source: Ministry for Traffic, Health & Safety and Technical Services

2500

**Mr Speaker:** Yes, I think the Minister has answered and said he accepts the need.

**Hon. J J Netto:** Can I –

2505

**Hon. G H Licudi:** Sorry, I wasn't sure whether there was a supplementary or whether he just asked us to provide the breakdown in the manner of the question asked and then the Hon. Minister said yes, that that information is not provided and we will provide it.

**Mr Speaker:** That is what I understood, yes.

2510

Sorry, I think the question went further than that: could the Hon. Minister provide the same breakdown for the previous month.

**Hon. J J Netto:** Yes, both of them, the one that he has supplied now and that he supplied last month, the presentation is the same and my comments apply both to this month and to last month. The question is exactly the same.

2515

**Mr Speaker:** I don't recall, did the hon. Member take issue with the absence of breakdown last month?

**Hon. J J Netto:** No, because –  
Mr Speaker to be honest ...

2520

**Mr Speaker:** No, I am just trying to recollect, myself.

2525

**Hon. J J Netto:** To be honest with you, there is limited time to be able to absorb in seconds, basically, the amount of information and, once I took it home, I realised that the answer given doesn't provide me with what I have asked.

2530

**Mr Speaker:** What I would respectfully suggest to Members asking questions, it might be helpful in future if one emphasises by putting (a); (b) and (c) so, for example, (a) site meetings; (b)... to give the officials preparing the answers a target to aim at.

**Hon. J J Netto:** But I have set the questions for the specific answer that I wanted.

**Mr Speaker:** No, I am not criticising the question.

2535

**Hon. J J Netto:** You will notice that one was for site visits, one was for inspections.

**Mr Speaker:** I was suggesting a means of –

2540

**Hon. J J Netto:** And, of course, I have no control how the information is provided to me. The Government decide how it is going to be presented to me. I can only ask the question, then the Minister has grouped it together and provided the information in that particular manner. I mean, I am not in control how they provide information, all I am asking at least that the answer is there for me to be able to assimilate what I am trying to –

2545

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister please elaborate on the nature of the 'major' occupational reportable accident in April of this year within the Education Sector.

**Hon. P J Balban:** Mr Speaker, can the hon. Member repeat the question, please.

2550

**Hon. Mrs I M Ellul-Hammond:** Yes, can the Minister please elaborate on the nature of the major occupational reportable accident in April of this year within the Education Sector. This is on the second page of the schedule that you have. It is a table HS.2 and it is the second page of the schedule you have just handed over to us. It reads at the top 'Occupational Reportable Accidents 2012'.

2555 **Hon. P J Balban:** Mr Speaker, once again, I will have to find out from my Factory Inspectors and I will give you further details on that incident.

**Hon. Mrs I M Ellul-Hammond:** Thank you, I am grateful.

2560 **Clerk:** Question –

**Hon. J J Netto:** Can I just – yes, Mr Speaker on the same vein as my hon. Colleague, on the second page on reportable accidents there was also in April another major one in relation to the construction industry. Could the Hon. Minister elaborate what was the major reportable accident.

2565 **Hon. P J Balban:** Mr Speaker, I will ask the Factory Inspector to give me further information on the major accident within the construction industry.

2570 **Hon. J J Netto:** Will it be helpful if, once he gets the opportunity to ask his staff, whether he asks them in relation to all the ones which are major, I mean regardless whether they are the construction industry, retail or, you know, whatever it is and then at least we have a notion of whatever is major, as opposed to minor?

**Mr Speaker:** Yes, there was a question: would he extend that offer of information to all accidents classified as major?

2575 **Hon. P J Balban:** Yes, Mr Speaker.

**Hon. J J Netto:** Mr Speaker, if I could perhaps ask a further question, for clarification purposes, to the Hon. Minister for Health & Safety. I mean, I do like the idea the way, I think in fact I congratulated him last month by listing all industry groups here, it does provide me with an overall view which I, to that respect, find it very helpful. But, can he assist me, for instance because my question does ask for, regardless of whether we are talking about inspections or site meetings or advice, my questions do ask what places are Government and it does ask for the MOD, but is the MOD represented in *any* of these industry groups. That is part of my question but the other part of my question would be whether if we talk about the Government, the Government broken down, as far as work places. For instance if I were to say the Government can be a very wide spectrum which can be from the Housing Works Agency to Education, to Social Services, to the Health Authority, so how could I, in order to assist me, how could I say ‘well yes, does the Housing Works Agency come under the construction industry or does it not’, because what I am trying to get to the bottom of really is how do I know, in all the questions I ask, how the Government, in terms of work places or the MOD in terms of work places are represented in the industry groups? Perhaps if he can enlighten me to that.

**Hon. P J Balban:** Mr Speaker, unfortunately I do not have that information with me so I will try and get the information as quickly as possible, OK.

2595 **Hon. J J Netto:** I am grateful, Mr Speaker.

2600 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Childhood obesity  
Tackling school tuck shops**

2605 **Clerk:** Question 556 the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker can the Minister for Education say whether, as suggested in the GSLP’s statement of 23rd September 2011 on childhood obesity, reiterated by the GHA’s dietician in a *Chronicle* article on 17th May 2012, the Government will remove tuck shops from schools, or ensure that school tuck shops will provide healthy food and drinks, in order to tackle childhood obesity with the urgency

2610 it claims it deserves?

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

2615 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education is currently conducting a survey of what is sold in school tuck shops, with a view to providing more focused advice to headteachers. Not all schools have tuck shops and, in fact, out of – I have got a list of fifteen schools – eight do not have tuck shops and six do.

2620 These cases where the schools don't have tuck shops, the children tend to bring in snacks from home. The Department for Education is currently looking at the kind of foodstuffs that could be considered as suitable healthy options for children before taking a final decision on the future of tuck shops. The advisory service of the Department of Education will, of course, work closely with the professionals in the GHA's.

2625 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain if there will be any further measures introduced to our schools in order to tackle childhood obesity?

2630 **Hon. G H Licudi:** Well, as the answer suggests, we are conducting a survey on this and specifically relating to the issue of tuck shops, which is what the question talks about, but the question generally of obesity, we have said that the advisory service, the education advisors, are working closely with professionals of the departments of the GHA to see what it is that can be done educationally, certainly as far as the schools are concerned. Issues of childhood obesity might go beyond what school professionals can do and, therefore, there is a limit as to how much involvement there is, but there is work that is being done in conjunction with professionals in the GHA specifically to see what it is that the Education Department can do to tackle this problem.

2635 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Government be removing the vending machine of unhealthy snacks at the Primary Care Centre which is right next to the children's play area, which was highlighted by a *Chronicle* letter by Adalisa Iglesias on 25th May of this year, as it sends out the wrong signals in encouraging healthy eating and avoiding obesity.

2640 **Hon. G H Licudi:** Presumably, the hon. Member is referring to a vending machine placed there by the previous administration. I assume that is what she is referring to and that she is suggesting that we remove something that they put in.

2645 This clearly has nothing to do with tuck shops in schools, which is what the question was about. As Minister for Education, which is the basis upon which I am standing here, I simply cannot say, but if the hon. Member is suggesting that the Government should look at removing a vending machine that they put in, for whatever reason they decided to put it in, then I would be happy to discuss that with my colleague, the Minister for Health, and take a view on that.

2650

**Special Educational Needs  
Additional resources**

2655 **Clerk:** Question 557, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us which extra resources will be obtained in order to service the special educational needs of the children in Gibraltar schools.

2660 **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, Government has changed the contract status of 16 Classroom Aides to full-time,

2665 therefore increasing the support they provide for children. In addition, some 40 supply Classroom Aides – in fact, it has been thirty-nine supply Classroom Aides – have been recruited, thereby re-populating the existing supply list. In fact when we came into office there was only one person on the supply list, which gave rise to grave concerns and grave issues in providing cover. In fact, cover was virtually impossible.

2670 Twenty further permanent Classroom Aides will be recruited to provide additional support for children with special educational needs. In effect, this results in an additional 28 Classroom Aides, as well as a supply list to provide cover for temporary absence. As I mentioned, I seem to recall at a press conference last week, this represents over a 50 percent increase in the number of Classroom Aides available to schools in Gibraltar. The Behavioural Educational Support Team will also be staffed by three permanent teachers, rather than by supply teachers. This will ensure more stable and consistent support for children with behavioural or emotional problems.

2675 In terms of buildings, there will be an extension built to Notre Dame School this year, which will include three classrooms for the learning support facility and two for special educational needs. This extension will provide much needed extra space. An extra unit at St. Martins will also be built – again, to provide more ample facilities for our special needs children.

2680

**Hon. Mrs I M Ellul-Hammond:** I am grateful for that, Mr Speaker, and the increase in human resources is certainly welcome and in extensions to existing school buildings. What about resources in terms of equipment, IT equipment: has that been identified at all?

2685

**Hon. G H Licudi:** Well, yes, Mr Speaker one of the issues that has been raised to me – and this does not just affect children with special needs but it affects special needs classrooms as well – was that there were insufficient interactive boards in schools and therefore there was a need to increase the equipment that was available to schools for all children and also for classes dealing with children who had special needs. I can't remember from memory but we certainly approved and gave instructions for additional interactive boards. I seem to recall something in the order of thirty additional ones were ordered and I am not sure whether they have now arrived and are now installed but certainly we approved the provision of additional support.

2690

2695 There was also a representation made to me by representatives of parents of children at St. Martin's that they would benefit from having iPads due to the interactive nature and also due, particularly in St. Martin's, with the closeness of working in smaller groups with Classroom Aides and with the teachers there. I certainly approved a pilot scheme in order to introduce iPads in St. Martins, with a view to seeing how that worked, particularly with children with special needs, and then possibly extending that to other schools. So in terms of equipment we have already moved in the last six months with additional resources for children with special needs.

2700

#### **Especially gifted children Level of support**

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**Clerk:** Question 558, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how especially gifted children will be supported by the Department of Education.

2710

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

2715 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, schools have received in-service training on gifted children over the last two years and teachers are, therefore, becoming better prepared to support the gifted and help to develop their natural abilities.

The ongoing training for teachers has focused on the need to employ diverse and flexible strategies that meet the needs of distinct pupil groups and that is generally done with differentiation of the work that is given to specific children. Constant evaluation of these strategies is also a key feature. The advisory service and the

2720 educational psychology service are also involved in providing advice to schools on supporting gifted children.

Let me add, Mr Speaker, in relation to this, that there is a difference – I am not sure exactly what the question is aimed at – between children that may be considered *especially* gifted and children that are talented. There are many talented children in all the schools. They could be talented in sport, they could be talented in music and those are dealt with in the normal course of events during the school and, where differentiation is possible, that is implemented.

Especially gifted children, which is what the question was about, as I understand it, what the hon. Member may say, are in a slightly different category to what normally would be regarded as talented children. The information I have is that there is a process of evaluation which involves the educational psychologist and, at present, there is not a single child which has been identified as being ‘especially gifted’, rather than merely talented and therefore been provided with extra support, as necessary. Teachers, nevertheless, have been provided in-service training to try and identify and then possibly refer the child, should they arise in the future.

2735 **Hon. Mrs I M Ellul-Hammond:** Yes, thank you for that.

Perhaps to clarify, my intention was those who, in some instances, may be fast tracked through the education system because they are perhaps an academic year or two ahead of their peers and I assume that your colleagues within the Department of Education, if that individual is identified, aid that child to go to either a specialist school perhaps in the United Kingdom or here to cater for them specifically, but is hypothetical and, as you said, such an individual has not been identified.

2740 **Hon. G H Licudi:** Mr Speaker, it is hypothetical and I am tempted to say I am not here to answer hypothetical questions, but the hon. Member does make the point of when a child is particularly gifted or talented and may be suitable for that sort of fast tracking what is the policy in that regard and I can tell the hon. Member what the Government’s policy is in that regard.

2745 The Government’s policy is that there are no plans at the moment to accelerate children through the educational system. The advice that I have received is that, educationally, there is no benefit: no educational benefit to the child and it can, in fact, lead to undue pressure being put on a child at an early age to try and compete with much older children. The child might, in fact, have talent beyond the older children but the older children will have maturity and some issues which might not arise in respect of the young child. So, I am advised that, educationally, there is no benefit and the Government has no plans to introduce a fast tracking procedure.

2755

**Homework support groups  
Methodology**

**Clerk:** Question 559, the Hon. Mrs I M. Ellul-Hammond.

2760

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain how the homework support groups will work, as per the manifesto commitment.

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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, it is envisaged that pilot support groups will be started in the next academic year. Preliminary discussions with headteachers have already been held but precise details are still to be determined. I don’t want to be vague but this is something that is being discussed actively between the professionals and the Department and headteachers in their meetings. We have said this is something that we want to do, they have advised us that we should start with pilot groups and they still have to come back to us with details of what precisely is proposed so we can take a final decision. In principle, we want the pilot schemes to start as from the next academic year.

2775 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister aware that I believe Bayside and Westside already have a form of homework support group and perhaps that will be taken into consideration and evaluated for this exercise?

2780 **Hon. G H Licudi:** I am not aware specifically of the type of group that is available but it is something which we identified as something that was positive in terms of keeping children in school, wanting to provide them with support, which some children might have support at home, other children might not because of work requirements or for whatever reasons and this is something that we identified as something as being good. We wanted to expand on whatever facilities are available and it is something that we are working on to introduce next year.

2785 **Hon. Mrs I M Ellul-Hammond:** Yes, and finally, Mr Speaker, will the Minister be consulting with the teachers' union on this issue and working together with them?

2790 **Hon. G H Licudi:** Mr Speaker, myself and members of the Department of Education have regular meetings with the teachers' unions at which all issues in relation to teachers arise. But let me say that this is not a matter that should give rise to any undue concern. No teacher is actually going to be forced to stay behind and do extra work beyond the terms and conditions that they have. This will be provided on a voluntary basis.

2795 We have already said that there might be call upon the pool of supply teachers who might want to do this as well. There might be retired teachers who might be interested in this, but certainly I will be happy and will be engaging with the GTA office.

2800 **Schools' maintenance budget  
Management by headteachers**

**Clerk:** Question 560, the Hon. Mrs I M Ellul-Hammond.

2805 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise if he has now considered the introduction of maintenance budgets for schools to be managed by headteachers, as per the Government's manifesto commitment?

2810 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2815 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's objective was to create a system for the maintenance of schools which worked on a timely and efficient manner. Its strategy consisted of a two-pronged approach: a dedicated maintenance team; and dedicated budgets to be managed by headteachers.

As already announced, the Government has created a dedicated maintenance team for schools, consisting of eight persons and a foreman. The system is working well. It has also obviated the need for schools themselves to manage their own repairs and maintenance.

2820 As a result and following discussions and agreement with headteachers, the Department of Education has advised that it is best to monitor the present system, before deciding on whether, in fact, there is a need for headteachers to control dedicated budgets for maintenance.

2825 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so is the Minister now suggesting that perhaps the Government will not be implementing their manifesto commitment which reads:

'Head Teachers will, in addition, have control over dedicated budget which they can use for small scale maintenance/minor works which may be required in their schools.'

**Hon. G H Licudi:** Mr Speaker, the manifesto commitment is there for a purpose, and what the hon.



2830 Member cannot do is just look at one line in a particular sentence or in a particular paragraph in the manifesto. It was described in the manifesto as a two-pronged... Well, it was not specifically described as a two-pronged approach, but it was clear that there were two legs to this approach for maintenance. Surely the hon. Member is not urging us to do something which is not necessary and, in particular, the hon. Lady will not be urging us to do something which headteachers might not want.

2835 In fact, we have already discussed this with headteachers, and they have told us that they are happy with the way the present system is working. That is why we have said we need to monitor to see whether in fact there is a need for the second part of the approach.

2840 We have also been told by headteachers that, in fact, they may not be qualified to prioritise and manage these particular works by controlling their own budget, nor would they necessarily administratively have time to take on this additional burden. So what we are doing is listening to the people for whose benefit this was done.

2845 This was not done because the Government thought it wanted to introduce it itself for any reason other than we felt, or suggestions have been made to us, that there were problems with the maintenance of schools and it might be a good idea for the headteachers to control their own budgets and therefore be able to run their own affairs in respect of maintenance. We felt that that was a good idea, but we are certainly not going to force it on people, if they think that the present system is working properly.

2850 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, we welcome that, and we understand what you are saying but, basically, you will not be implementing one of your manifesto commitments.

**Hon. G H Licudi:** Apart from welcoming and understanding what I have said, the hon. Member has not understood that I have said that we will monitor the present system.

2855 What the manifesto did not say – and the hon. Member has referred to what our manifesto *said* – what the manifesto did not say is that we will have a dedicated maintenance team *and* we will have dedicated budgets by 1st September 2012. It said both – that we would do both – and not by 1st September 2012, but earlier on in this year, a few months ago, we put together a dedicated team for schools. It is a manifesto which sets out a four-year programme. We have four years to evaluate the present system and decide whether that second limb of the two-pronged approach is necessary or is not necessary.

2860 But I can tell the hon. Lady now that if we consider that it is not necessary and if we are advised by headteachers and professionals that there is no requirement *at all*, because the system that we have put together, since we came into office on 9th December, is working so well that it obviates the need for the second limb, I will have no problem at all in standing up in this House or anywhere else and saying that part of the manifesto we will not do, because we do not *need* to do it, because we have done the first part which has worked perfectly well.

2865

#### Schools' refurbishment programme Projects for this year

2870

**Clerk:** Question 561, the Hon. Mrs I M Ellul-Hammond.

2875 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what projects will form part of this year's schools' refurbishment programme?

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

2880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, apart from the ongoing repairs and maintenance programme, the main projects prioritised by the Department of Education are as follows: an extension to St Martin's Special School; an extension to Notre Dame First School to provide, in particular, an extension to the learning support facility and two dedicated classrooms for special educational needs; completion of extension at Westside School; completion of the ongoing window replacement programme at St Anne's.

2885 Other projects for other schools will also be considered during the course of the year.

2890 **Legal Aid (Fees and Expenses) Rules 2012**  
**Benefits of recent changes**

**Clerk:** Question 562, the Hon. D A Feetham.

2895 **Hon. D A Feetham:** Can the Minister for Justice state how many (a) people; and (b) unrelated cases have benefited from the recent changes introduced by the Legal Aid (Fees and Expenses) Rules 2012?

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

2900 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, four defendants, all linked to one case, have made applications under the recent changes introduced by the Legal Aid (Fees and Expenses) Rules 2012 since its commencement on 20th March 2012.

2905 **Clerk:** That completes Answers to Oral Questions.

## Questions for Written Answer

2910 **Clerk:** We now move on to Answers to Written Questions.  
The Hon. the Chief Minister.

2915 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W95-W101/2012 inclusive.

## Order of the Day

2920 **BILLS FOR FIRST AND SECOND READING**

2925 **A Bill for an Act to amend the Income Tax Act 2010**  
**in order to impose tax upon income from certain imported pensions**  
**First Reading carried**

The Hon. the Chief Minister to move:

2930 *A Bill for an Act to amend the Income Tax Act 2010 in order to impose tax upon income from certain imported pensions. (B05/12)*

**Clerk:** Bills, First and Second Reading: A Bill for an Act to amend the Income Tax Act 2010 in order to impose tax upon income from certain imported pensions.  
The Hon. the Chief Minister.

2935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010, in order to impose tax upon income from certain imported pensions be read

a first time.

2940 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010, in order to impose tax upon income from certain imported pensions be read a first time.  
Those in favour. (**Members:** Aye.) Those against. Carried.

2945

**Income Tax (Amendment) Bill 2012**  
**Second Reading carried**

2950 **Clerk:** The Income Tax (Amendment) Act 2012.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time and that the Minister with responsibility for Financial Services address this House in respect of the Bill.

2955 **Mr Speaker:** The Hon. the Minister for Finance... for Financial Services, I do apologise.

2960 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, this Bill follows representations made to the Government by the Association of Pension Fund Administrators, representations which were made fairly early on after we were elected into office, and the representations had two limbs to them: firstly, that some pension schemes established outside Gibraltar had, in fact, already been transferred and they may be exposed to a tax charge if the transfer was considered invalid, and that tax charge in respect to the United Kingdom could be as high as 55% of the fund, so there was an exposure in respect of a very few number of imported pension schemes; secondly, that the line of business of pension fund administration which had actually been stopped several years ago because of the possibility of that tax charge and the possibility that the transfers may be considered invalid without specific legislation in Gibraltar to provide for this and it was suggested to us that this was a viable line of business and that Gibraltar generally could benefit and that the pension fund administration industry in particular could benefit. Those were representations that we accepted and I asked for a Bill to be prepared. Following consultation with the industry, we have published this particular Bill which stands before the House today.

2970 The Bill does a number of matters, but in particular what it does is impose tax on incomes by individuals who are in receipt of distributions from imported pension schemes at the rate of 2.5%. It is important to stress that the Bill specifically provides that the source of income which is liable to this tax is income from pension schemes and by clause 2 of the Act, which introduces a new section 14A to the Income Tax Act.

2975 New section 14A(2) would provide that this taxation of income in respect of pensions would only apply in respect of pension schemes which were transferred from another country other than another Member State of the European Union. The Bill provides that the term 'another Member State' has the same meaning as in section 5(8) of the Income Tax Act. Under section 5(8), the meaning of 'another Member State' is a Member State of the European Union other than the United Kingdom. So what this Bill does is permit transfers to be done for pension schemes, normally known as QROPS – Qualifying Recognised Overseas Pension Schemes – from the United Kingdom for them to be managed and distributions to happen from Gibraltar and those distributions would attract a charge of 2.5%.

2985 The Bill also provides for a number of restrictions and requirements in respect of taxation of these QROPS. Firstly, there is a maximum commutation possible of 30% of the fund of a particular individual. Secondly, there is a minimum retirement age of 55 – that is, except in very specific circumstances relating to ill health – and the Bill makes provision that the rules in respect of the pension fund must irrevocably bind the fund in respect of these matters: the commutation; the minimum retirement age of 55; and also a requirement that an imported pension scheme transferred to another scheme outside Gibraltar does not comply with the original requirements; in other words, there is a requirement to actually prevent an importer's pension scheme from then being transferred outside and that prevention restriction must be incorporated in the irrevocable rules that bind the pension fund in question.

2990 It is important to stress, Mr Speaker, that this Bill in no way affects distributions from pensions in Gibraltar and does not affect Gibraltar pensioners at all and the benefits that Gibraltar pensioners receive.

2995 What this does is, in effect, open up a new line of business for pension fund administrators and also create additional income for Gibraltar in the form of taxation which hitherto has not been possible.

I would add, Mr Speaker, that the Bill has been welcomed, when it was published, by the industry and in particular by the Association of Pension Fund Administrators.

I commend the Bill to the House, Mr Speaker.

3000 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

**Hon. G H Licudi:** Sorry Mr Speaker, there is one particular clause that I forgot to mention. It is an important clause.

3005 There is a provision in the Bill which says that the particular section we are introducing in the Income Tax Act is deemed to come into effect on the sixth day of April 2006, and that is simply to make sure that those pension schemes that have been transferred and have been imported are caught by the provisions of this Bill and therefore those transfers can be considered valid.

3010 The other matter that it is important to stress, Mr Speaker, is that it is the responsibility of the particular pension fund administrator that makes arrangements for the transfer of the pension fund to make sure that they comply with all the requirements of validity. What this does is simply set out the statutory framework to enable valid transfers to occur. Whether the transfer is valid or not is not guaranteed by this Bill; it simply is an enabling provision and the validity of the transfer is the responsibility of the professionals who deal with this, who will have to make sure that they comply with whatever rules and, in particular, the rules of the pension fund.

3015 But in effect we are talking of transfers of QROPS, primarily from the United Kingdom, and it is the new line of business which I think Gibraltar and the industry will certainly welcome.

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

3020 **Hon. D A Feetham:** Yes, Mr Speaker, the Opposition will be voting in favour. It is a Bill that has been drawn by the industry and obviously we will support it.

There is nothing really useful that I can add to what the hon. Member has already said, talking about the merits of the Bill.

3025 May I just ask the hon. Member to clarify this: why do you take the date of 6th April 2006? I know that he has said that to catch those pension funds that have already been transferred; but why the date of 6th April 2006?

3030 **Hon. G H Licudi:** Mr Speaker, that is the date that I was advised we should go back to in order to catch all the pension schemes that have actually been transferred.

**Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? Do I take it that is the reply of the mover of the Bill?

3035 **Hon. G H Licudi:** Yes, Mr Speaker, yes –

**Mr Speaker:** Well, sorry, the mover of the Bill –

**Hon. G H Licudi:** The mover of the Bill –

3040 **Mr Speaker:** – was the Chief Minister.

**Hon. G H Licudi:** – was the Chief Minister and I was simply talking of the merits, but I take it that there are no further contributions on our side.

3045 **Mr Speaker:** Does the mover of the Bill wish to reply or add anything?

**Hon. Chief Minister:** I am grateful, Mr Speaker, but no.

3050 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 in order to impose tax upon income from certain imported pensions be read a second time.  
Those in favour. (**Members:** Aye). Those against. Carried.

3055 **Income Tax (Amendment) Bill 2012**  
**Committee Stage and Third Reading agreed to be taken**

**Clerk:** The Income Tax (Amendment) Act 2012.

3060 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

3065 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye!)  
The Committee Stage and Third Reading will be taken today.

**COMMITTEE STAGE AND THIRD READING**

3070 **Income Tax (Amendment) Bill 2012**  
**Committee Stage**  
**Clauses considered**

3075 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Income Tax (Amendment) Bill 2012.

3080 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010, in order to impose tax upon income from certain imported pensions.  
Clause 1.

3085 **Mr Speaker:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Speaker:** Clause 2 stands part of the Bill.

3090 **Clerk:** The long title.

**Mr Speaker:** The long title stands part of the Bill.

3095 **Income Tax (Amendment) Bill 2012**  
**Third Reading carried; Bill passed**

3100 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2012 has been considered in Committee and agreed to without amendments, and I now

move that it be read a third time and passed.

3105 **Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) Bill 2012 be read a third time and passed.  
Those in favour of the Income Tax (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

3110

**Procedural**

**Clerk:** The Hon. the Chief Minister. (*Interjection by the Chief Minister*)

3115 **Mr Speaker:** It is not necessarily... We have moved into Bills now, so... (*Interjection by the Chief Minister*) We cannot go back to Questions.

3120 **Chief Minister (Hon. F R Picardo):** Mr Speaker, on the basis of the comfort of that ruling, I have the honour to move, Mr Speaker, that the House do now adjourn to Thursday, 5th July at 10.00 a.m. and, as I indicated at the Announcements stage of the Agenda, that will be the time when the House will be considering the Appropriation Bill, First and Second Readings.

3125 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Thursday, 5th July 2012, at 10.00 a.m.  
I now put the question, which is that this House do now adjourn to Thursday, the fifth day of July 2012, at 10.00 a.m.  
Those in favour. (**Members:** Aye.) Those against. Carried.

3130 This House will adjourn to Thursday, 5th July 2012, at 10.00 a.m.

*The House adjourned at 6.57 p.m.*