



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 12.35 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

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The Parliament met at 9.00 a.m.

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

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

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Clerk: Mr Speaker.

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PRAYER

Mr Speaker

Order of the Day

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Clerk: Meeting of Parliament, Thursday, 15th March 2012.

1. Oath of allegiance.

2. Confirmation of the minutes of the last meeting of Parliament held on 15th and 16th February 2012.

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

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

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Papers laid

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

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table a statement of Supplementary Estimates No. 1 of 2010/2011.

Mr Speaker: Ordered to lie.

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Clerk: The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to lay on the table the Air Traffic Survey Report 2011.

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Mr Speaker: Ordered to lie.

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker: I have the honour to lay on the table the report and audited accounts of the Gibraltar Heritage Trust for the year ended 31st March 2011

Mr Speaker: Ordered to lie.

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Clerk: Reports of Committees.

Questions for Oral Answer

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Clerk: Answers to Oral Questions.

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TOURISM, PUBLIC TRANSPORT AND THE PORT

Bus fleet Plans for replacement

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Clerk: Question 233 of 2012, the Hon. S M Figueras.

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Hon. S M Figueras: Good morning, Mr Speaker.
Can the Government confirm to this House whether there are any plans for the timely replacement of the current bus fleet as and when this becomes necessary?

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

85 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. The Government is currently formulating a strategy for the replacement of the current bus fleet with more environmentally friendly vehicles.

The study is currently in its early stages and the Government will announce its programme when it is in a position to do so.

90 **Hon. S M Figueras:** I am grateful to the hon. Gentleman for the answer.

Is the hon. Member able to provide us with a time estimate of when they are expecting to be in a position to publish details?

95 **Hon. N F Costa:** Well, Mr Speaker, in reply to the hon. Gentleman's question, this would not be a decision taken solely by my Department. It would be a decision taken jointly between myself and the Minister for the Environment, Dr John Cortes, so it will be a question of working together on that.

100 We have already requested from the relevant officials the various options that can be put forward. I know that Dr John Cortes has also asked his officials to put forward their proposals, and we will be in a position to better provide a timeframe in due course, but not just yet.

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

Perhaps the Hon. Minister can also provide this House with details of the sort of vehicles, the *[inaudible]* indeed that they are looking at as options for the bus fleet here in Gibraltar?

105 **Hon. N F Costa:** Yes, Mr Speaker, those are the options that we are looking into and those are the ones that... what the hon. Gentleman has just asked: those are exactly the questions we have put to the officials, and those are the replies that we are waiting for.

110 **Hon. S M Figueras:** Mr Speaker, I anticipate that it is far too early for the Hon. Minister to give us an estimate of the costs envisaged for the project.

115 **Free bus travel
Eligibility**

Clerk: Question 234, the Hon. D J Bossino.

120 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise whether free bus travel will be exclusively available to Gibraltar ID card holders other than non-resident workers?

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

125 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. I can confirm that free bus travel will be exclusively available for residents of Gibraltar and those holding Gibraltar ID cards, other than non-resident workers on all bus routes operated by the Gibraltar Bus Company Ltd, with the exception of Route 5.

130 **Hon. D J Bossino:** In relation to those residents of Gibraltar who do not hold Gibraltar ID cards, how does the Government propose to establish the residency requirement?

135 **Hon. N F Costa:** Yes, Mr Speaker, that is one of the matters that we are looking into. We have requested the relevant employee in the bus company to provide us with different alternatives. We will certainly be able to make an announcement on that before 1st May, when the free bus travel regime will commence.

**Free bus travel
North Front route**

140 **Clerk:** Question 235, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether bus travel is now free for pensioners travelling on the North Front route?

145 **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, bus travel is not currently free for pensioners on Route 5.

150 **Hon. D J Bossino:** The reason why I ask this question is because, as I understand it, there is a manifesto commitment (**Hon. N F Costa:** Yes.) to provide free bus travel for pensioners and can, therefore, the Minister give some sort of timeframe in which this will be implemented?

155 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct.
There is a manifesto commitment but, as the hon. Gentleman is aware, Route 5 is operated jointly with a private operator, Calypso, and therefore we could not proceed fairly to simply make free bus travel for pensioners on the Gibraltar Bus Company buses because, of course, that would have probably led to arguments of unfair competition from the private operator.

160 So we have already had two meetings with the private operator and we hope to be... We very much expect to be in a position to make an announcement, again before 1st May, when the free bus regime will come into effect.

Hon. D J Bossino: In relation to pensioners, will there also be a residency requirement?

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

**Free bus travel
Non-resident workers**

170 **Clerk:** Question 236, the Hon. D J Bossino.

175 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise when the Government decided to make the bus service available on a free basis to non-resident workers?

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

180 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.
The Government took the decision to make free bus travel exclusively available to residents of Gibraltar and those holding Gibraltar ID cards, and non-resident workers on all bus routes operated by the Gibraltar Bus Company Ltd, with the exception of Route 5, at the meeting of Cabinet held on 13th February 2012.

185 The Gibraltar Bus Company Ltd will only issue the bus cards to those applicants that the Department of Social Security confirms to the company are completely up to date with their social insurance contributions. The Cabinet agreed not to make the announcement as to the position of non-resident workers until the Chief Minister had met with the Mayor of La Línea, whom he was scheduled to meet some 10 days later.

190 Consequently, at the meeting held on 24th February 2012, between the Hon. the Chief Minister and the Mayor of La Línea, the Chief Minister informed the Mayor that, in keeping with the positive relations between Gibraltar and La Línea that the Government is keen to promote, the Government had decided to extend this free service to cross-frontier workers on production of proof that they had a valid contract of employment registered with the ETB and that the payments in respect of social security are up to date.

Therefore, this will also serve to ensure that cross-frontier workers should appreciate the advantages of registering their employment in Gibraltar.

195 **Hon. D J Bossino:** The Minister will appreciate why I sometimes get nervous when a Government announcement is not preceded by a press statement and the usual attendant fanfare, with GBC interviews and the like. I find it surprising to say the least that Government took a decision, purposefully, to hold back that decision, and the announcement of that decision, for 11 days, between 13th February, when it was decided collectively and when it was announced to the press at the meeting of La Línea Mayor on 24th February. I can
200 already sense there is some ruffling of feathers there.

But can the Minister confirm that the first time this was publicly announced was at the press conference with the La Línea Mayor at the Chief Minister's Office on 24th February?

205 **Hon. Chief Minister:** Mr Speaker, given that the decision not to make the announcement related to my desire to make, first of all, communication with the Mayor of La Línea, and then to announce it in the press conference after that, I think it is incumbent on me to rise to answer that supplementary.

In fact, Mr Speaker, the position is exactly as set out. I thought it was appropriate to speak to Miss Araujo face to face first and make the announcement at the press conference after the meeting with her. I think that
210 was entirely the correct thing to do, with the attendant bells and whistles and fanfare in the press conference thereafter. *(Laughter)*

Hon. D J Bossino: The reason why I strongly suspect that this announcement was made almost on the hoof, is because despite the party opposite now in Government always announcing over the last 15 years that they produce very detailed manifesto commitments, it is not set out in the GSLP's manifesto before the
215 election as a potential Government commitment. All that the manifesto says is that:

'we will make bus transport free only for residents of Gibraltar and those holding Gibraltar ID cards.'

220 So is this not a case of the Chief Minister being all things to all men? *(Interjection)* For the Gibraltar public, he produces his nationalistic card, but then the first meeting he has with a Spanish politician – especially, a local politician across the way – he wants to make a positive sounding message to her. Is this not a case of being all things to all men?

225 **Hon. Chief Minister:** Mr Speaker, *(Interjection)* it is not such a case. It is not such a case.

I know that the hon. Gentleman and all of his colleagues are grasping at straws and trying in every possible way to think of something which they might say in these early days of this refreshing and positive administration, that has finally cleared the decks of the 16 years of malfeasance that we have had to experience before.

230 But, Mr Speaker, let me be very clear to the hon. Gentleman: if everything that we are going to do in the next four years had to be set out in our manifesto, our manifesto would be even longer! It would be as long as a telephone directory!

The manifesto is only, Mr Speaker, the *headlines* of what this Government is going to achieve in the next four years. *(Interjections)* There is *much more to come*, Mr Speaker. And *if* every time that we hit the jackpot and we do the right thing, the hon. Members opposite are going to say that we are going to be all things to all men, well, Mr Speaker, they will be saying that for the next four years, because we intend to continue hitting the jackpot, we intend to continue doing the right thing and we intend to win the next election, too!
235 *(Applause)*

240 **Hon. D J Bossino:** Well, questions should not be a pretext for a debate, but certainly answers seems to be a pretext for a party political broadcast. *(Laughter and interjections)*

Well, you know this is a fresh... the Chief Minister realises that this is a –

Mr Speaker: Order. Order.

245 **Hon. D J Bossino:** – fresh pair of hands and I have a fresh outlook to politics, but in fact it was not only in the Government manifesto where they did not announce this. When they had an opportunity on 18th

February, the Saturday *Chronicle*, again, they announce in headlines:

250 'Free buses for residents *only*.
As from 1st May 2012 free bus travel will be allowed on all routes, except route 5, for residents of Gibraltar and those holding Gibraltar ID cards.'

255 At that stage, *at that stage*, Mr Speaker, the Government had already announced collegiately, one assumes, to in fact make it available to non-resident Spanish workers. Why is it that they did not, when there was a public announcement, they did not take the opportunity of announcing this to the people at large in Gibraltar? (*Interjection*)

260 **Hon. Chief Minister:** Mr Speaker, exactly for the reason that I gave when I first rose to answer his supplementary.

265 Mr Speaker, he is *wrong*. We are not making policy on the hoof. We did not decide to do this when I met Miss Araujo and I will tell him when he will know that he is wrong – and when he will, I hope, apologise to me. In twenty years' time, when the Minutes of the Cabinet are published for 13th February, (*Laughter and Interjections*) he will see that the decision was made then. He will buy me a coffee and he will say, 'I am sorry I doubted you.' (*Interjections*)

Clerk: Question –

270 **Hon. D J Bossino:** Yes, no, that...

I will gladly buy him a coffee when we are both 60 years of age.

275 Mr Speaker, why is it *again*, when there is a further opportunity to announce this wonderful policy that the Government has come up with, re workers from La Línea and workers from Spain, on 6th March, in the *Chronicle*, post the meeting with Señora Araujo the Government says:

275 'From 1st May 2012, the bus travel in Gibraltar will be allowed on all routes except for number 5 for all residents of Gibraltar or those holding a Gibraltar ID card.'

280 *Again*, the nationalist card. Why is it he did not announce it, then, in the context of that press statement, Mr Speaker?

280 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he recognises that the nationalist card is mine and not his. (*Laughter*)

Mr Speaker, I have much more academic respect for the hon. Gentleman opposite when we were together in school than I have political respect for him in this House.

285 I have already answered the question, Mr Speaker. The decision was taken that we should have a conversation with Miss Araujo across a table and announce to her first, before announcing anything in the media.

290 As to how we make our announcements thereafter, well, Mr Speaker, I am delighted – if the hon. Gentleman wants to step down – to take him on as a person to assist us with drafting press releases but, until he does that, it is up to *us* to decide what goes in a press release and how we express it. I know they must be jealous because ours were obviously more successful in the past four years than theirs, because ours put us here and theirs put them there!

295 **Hon. P R Caruana:** Mr Speaker, does the hon. Member not recognise that this is not about winning jackpots or precisely when the decision was made or why he made it? Personally, I think if he wants to make a decision which is primarily of benefit to residents of La Línea, there is a certain logic in waiting until he is in La Línea to announce it. I might have made a similar decision. But doesn't he understand that the real issue here is not that at all? The real issue is that he has done the opposite of what he said in his manifesto that he would do. This is not about striking jackpots. It is not about where you announce it, or when you announce it, or even when you made the decision. The fact of the matter is that in his manifesto he commits to the electorate to introduce this *only* for residents of Gibraltar, and within a month or two he is doing it for people who are *not* residents of Gibraltar and, therefore, this is not about doing something which is not in the manifesto, because not everything that you do can be in your manifesto. Of course, governments are not

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305 *limited* to doing only what is in their manifesto, but normally there is a political price to pay when you say in your manifesto that you are going to do something and you do something different – you do the opposite of what you say in your manifesto.

Does the hon. Member not recognise that the use of the word ‘only’ in his manifesto and in his [*inaudible*] public statement would legitimately have led people to believe that this would *not* be available to non-residents and that, in fact, he has done the opposite of that? He has made it available for non residents.

310 By the way, I am not saying that I disagree with the decision. Simply that it is incumbent on the hon. Member to explain, publicly, not when he does something which is not in his manifesto, but when he does something which contradicts what he committed to in his manifesto.

Hon. Chief Minister: Mr Speaker, talk about wanting to be all things to all men: I am going to criticise what you have done and ask you questions about it, but I am not going to say that I am against it. The hon. Gentleman and the team opposite are making a spectacle of trying to be all things to all men.

Mr Speaker, the meeting was not in La Línea. This meeting was in Gibraltar, but as Miss Araujo is the representative of the people of La Línea, I thought it was appropriate to tell her, as I have said to the hon. Gentleman opposite.

320 Mr Speaker, what ill was the pledge in the manifesto trying to cure? I will explain to him, Mr Speaker, what ill it was trying to cure.

The decision made by *his* administration to allow free bus travel to all and sundry on our buses which meant, Mr Speaker, that the buses were being used almost as tour buses which meant, Mr Speaker, that tour guides were going on board buses and going round showing people the sites which meant, Mr Speaker, that buses had to carry the nonmenclature ‘full’ on the top and bus drivers were telling residents and others who wanted to use the bus, ‘Sorry, this bus is full. We are doing *a tour*.’

Well, Mr Speaker, that ill has been cured and the hon. Gentleman is right, we have gone further than our manifesto provides, and not just in respect of that clause, Mr Speaker. We will go further in respect of many others also.

330 Mr Speaker, what we have done we believe is the right thing to have done in the circumstances of introducing the new policy. We will defend it politically. If all the hon. Gentleman can do is to try and cross examine on the basis of one word here or one word there in a political document, as if it were a legal document, then we are not going to get anywhere.

335 **Hon P R Caruana:** Well, Mr Speaker, it is not a question of going further. Does the hon. Member not accept that it is a question of doing the opposite and the word ‘only’ is not just a single word? When you say you are *only* going to do A, and then you do B and C, and B is the opposite of A, to then describe the use of the word ‘only’ as semantics is simply an unrealistic approach to political realities and political debate.

340 Mr Speaker, flowing from the answer that he has given, does the hon. Member not acknowledge that the ill that he thought was the case – that all and sundry coming from Spain were using our buses free – had, in fact, been cured by an arrangement that we had introduced to introduce the bus club card, which *they* have cancelled and which would have eliminated this problem?

My supplementary, therefore, is this: is the hon. Member satisfied, and has he taken legal advice which leaves him confidently of the view that EU rules permit him to charge one category of EU citizens for the use of buses and not others?

345 **Hon. Chief Minister:** Obviously, yes, Mr Speaker.

350 **Hon. P R Caruana:** Would the hon. Member be willing to share that privately with me outside of this House... that advice, sorry?

Hon. Chief Minister: Mr Speaker, I have absolutely no difficulty in the hon. Member responsible sharing that advice with the hon. Gentleman privately outside of this House.

355 **Hon. P R Caruana:** I would be very grateful, Mr Speaker, because I will then privately share with him the reason why I am asking him if he would privately share what he has now received with me.

Further, Mr Speaker, will the hon. Member acknowledge that... I think I have understood the Hon. Minister, and perhaps this supplementary is better addressed to him, that the criteria for when cross-frontier

360 workers will be eligible for free buses includes amongst other things whether they are up to date with Social
Insurance Contribution payments. Given that Social Insurance Contribution payments are paid by the
employer and not by the employee and that if there are arrears of Social Insurance Contribution, given that
this is withdrawn from the pay packet like PAYE and that this is administered entirely by the employer, has
the hon. Member considered the implication of the employee's eligibility to what is a citizen's right and not a
365 worker's right, namely free bus travel being, in effect, in the gift of the employer because if the employer
chooses to fall into arrears with Social Insurance Contribution in respect of one or more employees, then that
one or more employee will, according to what he has said this morning, have forfeit the right to free bus
travel?

Hon. Chief Minister: Mr Speaker, it is an issue that we have considered together and that is why I think it
370 is appropriate that I rise to deal with the question, for the simple reason that the hon. Gentleman is right. It is
very often the case that employers are either in arrears by agreement, in the sense that they pay at the end of a
particular period, say, two months instead of at the end of a month and there is some sort of understanding or
they are in arrears, full stop and it would unfair to say that just because an employer is in arrears that the
employees will not be able to take advantage of obtaining this permit.

375 Nonetheless, Mr Speaker, you would not expect us to say that employees will be able to have this bus pass
whether or not they are in arrears of Social Security. What we are trying to do is to use this also as a
secondary check to see exactly where people are and to promote the fact that the employee will be triggering
that Social Security issues may be there and then we have to take a view. We are not going to prevent an
individual who is properly registered in Gibraltar for employment from having a permit just because their
380 employer may not be completely up to date.

Hon. P R Caruana: Well, Mr Speaker, that is slightly more sensible in the sense that, first of all, I think it
is a jolly good thing to have a greater number of checks on whether people are in good standing in the public
administration in terms of that, and if access to a free public service provides the opportunity, I think that that
385 is something worth exploring. But I think it should go no further, would the hon. Member agree, in terms of
fairness that it should be a question of registration?

An employee has it in his gift to ensure that he is registered with the ETB as an employee. Thereafter, the
rest of it is not in his gift. It is up to the public administration in respect of a registered employee of whom it
therefore has notice to pursue the employer for payment of taxes. So the employee's eligibility to public bus
390 service, would the hon. Member agree, should be conditional on him being *registered*, not on payment of tax,
because the Government always has the means in respect of *registered* employees to pursue the employer?

The problem, which is where I put it to the hon. Member if what he proposes is sensible, is in respect of
unregistered labour, where obviously you do not have the opportunity to pursue the employer and that is
where it is sensible. I would ask the hon. Members to consider leaving it at registration, rather than up-to-date
395 for Social Insurance Contribution.

Hon. Chief Minister: Mr Speaker, that would be the substance of what we do, but the form of it must, I
think, continue to be that people should be registered and up to date. He will know, Mr Speaker, from his own
experience on this side of the House, that this manifests itself sometimes in respect of residents when people
400 turn up for Healthcare, which they are otherwise entitled to, and they are sometimes told, 'Hang on a minute.
You are not registered for Social Security or your Social Security payments are not up to date', and that is
sometime a useful check. But the substance will be as the hon. Gentleman has described it.

Clerk: Question 237 –

405 **Mr Speaker:** I think the Hon. Damon Bossino has a question.

Hon. D J Bossino: Just as a very minor point of clarification, perhaps the Minister for Transport can
answer this question.

410 Presumably, it is open not only to *Spanish* non-resident workers, it is open to all nationalities, or is there
any qualification there in relation to EU nationality?

Hon. N F Costa: No, Mr Speaker, it is open to any nationality that is resident in Spain and working in

Gibraltar. (*Interjection*)

EU nationality. Yes.

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Hon P R Caruana: Anyone who comes to Gibraltar to [*inaudible*].

Hon. D J Bossino: So, yes.

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Hon. Chief Minister: For the purpose of clarification. The hon. Gentleman has said those workers of Gibraltar resident in Spain, of whatever nationality...

It is possible there are people who are not necessarily resident in Spain who are registered here as workers and come in. They might fly in, because of particular arrangements with their employer, from London for particular periods of time. That person would also be entitled, if they are registered for employment here, to take the advantage of the service and it is whatever the nationality. It does not have to be a European nationality.

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Hon. D J Bossino: Does it not have to be EU nationality?

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Hon. Chief Minister: No, because it is based on registration and work in Gibraltar, not on nationality.

Hon. D J Bossino: In other words, a US national, flying from London, would benefit from that so long as he is registered to work in Gibraltar?

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Hon. Chief Minister: Yes, it is slightly far fetched in the hon. Gentleman's example, but it is possible you could have a US resident working for a financial services institution in London who flies to Gibraltar once every two weeks and spends five days here, who is properly registered to work here, who, if he were interested in not using the GibiBikes and wanted to use the bus system, for example, would be entitled to. It is based on somebody working here and being registered to work here.

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Hon. P R Caruana: Mr Speaker, presumably when the hon. Member said 'identity card' he was using that phrase loosely – not just a red card, which is the civilian registration card as well. So it is not just Gibraltar belongers?

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Hon. Chief Minister: That is right.

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**Government of Gibraltar Bus Company Ltd
Claim for unfair dismissal**

Clerk: Question 237 of 2012, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether the Government *or* the Gibraltar Bus Company Limited received any legal advice before instructions were given to drop the defence of the unfair dismissal claim by Mr Sardeña against the Gibraltar Bus Company Ltd?

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

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

May I also add that, whereas the hon. Gentleman and I have had a debate on this in the press, we have been careful, I think, to steer clear from the merits or demerits of the case in question, and because the case is *sub judice*, any comments that I may make in respect of the merits are likely to impact on the case, so I would ask, therefore, that if he has any questions on the specifics of the case he asks me *after* the case is over, of course, and not whilst it is in trial.

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470 **Hon. D J Bossino:** Can I just ask, is the case not already over, given the fact that the Gibraltar Bus Company has withdrawn the defence of the substantive case?

Hon. N F Costa: Mr Speaker, I know the hon. Gentleman likes to read my press statements because when I do not make any he does miss them and he does ask me about them in this House.

475 As my press statement makes clear, it was not fair to say that the case of Mr Sardeña was close to finishing on the basis that our information is that *only* the Bus Company presented its case and Mr Sardeña, as I understand, did not give evidence or call in any of his witnesses.

Hon. D J Bossino: The issue is not at what stage the case had reached; the issue is that the Gibraltar Bus Company have withdrawn the defence. *(Interjection)* Sorry? *(Interjection)* Precisely. Therefore, there was a concession, in effect, and therefore the case was compromised.

480 As to asking questions in relation to statements made outside the House, I think, as a Member of this Parliament, I am entitled to ask Government Ministers to make statements *inside* this House. *(Interjection)* Mr Speaker, is it *sub judice*, or isn't it? If the Gibraltar Bus Company has withdrawn the defence, then –

485 **Mr Speaker:** The Minister has said it is *sub judice*.

Hon. D J Bossino: Well, I am just trying to enquire –

Mr Speaker: No, but he has said it is *sub judice*.

490 **Hon. D J Bossino:** He may have said that, but I am just making enquiries in relation to that. If there has been, in effect, a concession, and therefore compromised a claim, then there is no claim.

495 **Mr Speaker:** I think if the Minister has said it is *sub judice*, I am not sure this Parliament is entitled to explore what the state of the proceedings is – is it or is it not *sub judice*. That is the position of the Minister: it is *sub judice*.

Hon. P R Caruana: Mr Speaker, *sub judice* or not, will the hon. Member confirm that the Government has withdrawn the defence so that the employer is now not defending itself against the claim?

500 It cannot be *sub judice* for parliamentary purposes and not *sub judice* for public purposes. **(A Member: Exactly.)** The Government has said publicly that it has instructed to withdraw the case, so will the hon. Member confirm that the position, therefore, is that the employer has withdrawn its defence in the claim against it by an employee and that therefore the employee is *bound to win* an undefended case?

505 **Hon. Chief Minister:** No, Mr Speaker. I hesitate to rise to give the hon. Gentleman any lessons in law. I know that he does not have much respect for my knowledge of the law, but I have plenty of respect for his, so I am sure that he can make up his mind for himself.

It is very clear, Mr Speaker, the Bus Company has already, as the hon. Gentleman has said, presented its defence. The Bus Company has now withdrawn that defence. The matter is still before the Industrial Tribunal.

510 There is a judge of the Industrial Tribunal appointed. We must leave it up to him to now decide the issue going forward. There are plenty of other issues which are still to be decided, judicially or quasi-judicially, and we should not, Mr Speaker, in my view, go any further in this House because there are rules in this House as to what we can talk about. There are no rules about what we can talk about outside and what announcements we make outside.

515 **Hon. P R Caruana:** Mr Speaker, with respect, the hon. Member is being a touch disingenuous.

520 If there are issues that still require judicial determination, given that the hon. Members have used their governmental ministerial powers to instruct the directors of the company to withdraw the company's defence, does the hon. Member not agree that the natural consequence of a defendant withdrawing his defence is that the case against the defendant is bound to succeed – unless, of course, the claimant withdraws the claim, too – so that, unless the claimant withdraws the case, the only judicial questions that can remain to be answered are the question of damages or the question of costs?

Mr Speaker: Order! Order!

525 As the Hon. Leader of the Opposition has said, there is a question of damages. That clearly is a pending proceeding. Therefore it is – (*Interjection by Hon. P R Caruana*) No, with respect, it is a pending proceeding and therefore it is *sub judice*.

530 I have no other understanding of the word ‘*sub judice*’ in our parliamentary context. It is a pending matter. As the Hon. Leader has himself conceded, there may be a matter of damages pending. It is a pending proceeding.

Hon. P R Caruana: But we are not asking about that.

535 **Hon. Chief Minister:** Mr Speaker, can I please only just add to what you have said: that although I will not rise to answer the question that the hon. Gentleman has put – in particular, given what Mr Speaker has rightly said, in my view – we will not accept any of the implicit aspects of his question.

Because the matter is *sub judice*, we do not want it to be read into the fact that I am not saying anything in answer to the question, that we are accepting any part of the question, if that is appropriate, Mr Speaker.

540 **Hon. D A Feetham:** Mr Speaker, may I ask the Chief Minister why the original question by my hon. Friend, Mr Bossino, which asks about whether the Minister obtained legal advice before he took the steps that he took, why that impacts on the *sub judice* rule? Surely it does not.

Hon. Chief Minister: Mr Speaker, I do not think anybody has suggested that.

545 **Mr Speaker:** No. With respect again, a question was posed and the answer was ‘Yes, sir.’ So the answer was given to the question.

550 The question as it was posed did not give rise, in my view, to any *sub judice* issue, whether legal advice was taken, and the answer was given clearly, unequivocally, as yes, legal advice was taken. The line of questions since then has led me to conclude that the *sub judice* rule *would* be invoked.

Hon. P R Caruana: Yes. Well, Mr Speaker, on a point of order, can we just spend a few moments on this so-called *sub judice* rule?

555 There is no rule to the effect that is being relied on. The *sub judice* rule does not mean that you cannot allude to matters that are *sub judice*, blanket; it means that you cannot allude to them in a manner which is prejudicial to the interests of the parties. They are very different things. (*Interjection*) Yes, but the Chair and some of the Members from across the floor have invoked, or have purported to invoke, the *sub judice* rule as if it meant that you could not even ‘mention the war’ because there was a case on. The *sub judice* rule, hon. Members will find at Standing Order 45.(4), and it reads:

560 ‘(4) References shall not be made to any matter on which a judicial decision is pending, *in such a way as may prejudice the interests of the parties thereto.*’

565 To ask the hon. Members to confirm in this House what they have already said publicly – namely that they have instructed the directors to withdraw the defence – cannot possibly be a reference that prejudices the interests of the parties hereto, and I think it is important, if the rights of the Opposition to hold the Government to account in this Parliament is going to be more restricted than the rules of debate in Government press releases allowing GBC, that the *sub judice* rule is properly understood, properly interpreted and properly adjudicated on from the Chair.

570 **Hon. Chief Minister:** Mr Speaker, if I may assist the House on this point of order, the hon. Gentleman is entirely wrong because there is a rule, 17.(1)(xiii), which deals specifically with Question Time as well, which talks about:

575 ‘a question shall not reflect on the decision of a court of law or to be so drafted as to be likely to prejudice a case under trial.’

– and of course, in our view, Mr Speaker, the employment tribunal is acting as a court of law.

Secondly, Mr Speaker, in respect of rule 45, where the hon. Gentleman talks about those issues and whether comment here should lead to something being said which might be prejudicial to the interests of any

580 party, he has to understand, Mr Speaker – and I think his analysis has not extended to this – that, in this instance, we are not talking about a case where Mr A is suing Mr B and we are having a debate about it here. In this case, one of the parties is a publicly funded Government wholly-owned company so, therefore, Mr Speaker, we are one of the parties, or we represent one of the parties. The Bus Company is a wholly-owned Government company, Mr Speaker, as the hon. Gentleman knows. Therefore, having any further comment amounts to the shareholders’ representatives in respect of one of the parties in that tribunal making comment about things that are happening, or may happen, in that tribunal, and that, Mr Speaker, is exactly why the *sub* *judice* rule, in our view, bites.

585 In any event, Mr Speaker, the hon. Gentleman should know that we do not resile from our public press statements and, of course, we stand by them.

590 **Hon. P R Caruana:** Mr Speaker, my point of order has nothing to do with the discussion around this Sardeña case, nor about whether he is a shareholder or... If he is a shareholder, he should not be instructing directors. That is the first point that I would make. Shareholders should not instruct directors about how to conduct the affairs of the company. He cannot come to this House making a special case on the basis that they are shareholders.

595 *Because* they are shareholders of a company – it is a Government-owned company – they should be *more*, not less, accountable here, but that is the subject-matter of supplementaries. I am speaking to the Chair, Mr Speaker, on the question of my point of order, which is limited to the question of the reach of the *sub judice* rule, which struck me as being slightly exaggerated and being slightly abused in the way that it was being fielded in the discussion leading up to my point of order.

600 When I have done no more than read from Standing Order 45.(4), the hon. Member leaps to his feet to say the Leader of the Opposition is completely wrong because there is also a rule 17 so, of course, everybody is expecting him to read something which suggests, as he has just indicated, that the Leader of the Opposition is completely wrong. In fact, what he reads out is to suggest that the Leader of the Opposition is completely right, because even the one that he has just referred to, referring to questions, is in exactly the same vein:

605 ‘a question shall not reflect on the decision of a court of law...’

– in other words, we will not stand up here asking questions about whether the judgment of a court is right or is wrong –

610 ‘... or to be so drafted as to be likely to prejudice a case under trial;’

– which raises exactly the same considerations as:

615 ‘... in such a way as may prejudice the interests of parties thereto.’

620 It is exactly the same both under 17 and under 45. There is no *sub judice* rule in this House which prevents Members from asking questions about matters which are in the courts. They may not ask questions or debate about matters which are *sub judice* in a way which will prejudice the outcome or the interests of the parties, depending on whether you read 17 or 45. All I am saying in my point of order is because this is a curtailing right on the freedom of debate, it should certainly not be interpreted any more widely than the ordinary meanings of the words used in Standing Orders. That is the sole point I am making in this point of order.

625 **Mr Speaker:** The Hon. the Minister for Justice.

630 **Hon. G H Licudi:** Mr Speaker, the hon. Member, in setting out the point of order originally, says that there is nothing in the *sub judice* rule which prevents the Opposition from asking simply whether the Government has withdrawn the defence. That is the way the point of order was formulated, and he referred to Standing Rules and said there is nothing in the rules which prevents that particular question. It is not that question that has been objected to. In fact, that question has been answered. What has been objected to by the Government is that the hon. Member has actually gone further than that original question. What he has then said is that the withdrawal of the defence will *necessarily* lead to a particular conclusion. So what he has attempted to do subsequently is to explore what the likely conclusions of the case will be. In other words, explore the possible conclusions of the case, a case which is live, a case which is pending, a case which is still

635 before the Industrial Tribunal, where the chairman of the Industrial Tribunal has to reconvene the case to consider precisely the matters that the hon. Member is raising in this House.

Therefore we say that the hon. Member is wrong. He is *not* entitled to consider issues which go to the conclusion of a case, where that case is live. And, therefore, his point of order is wrong, Mr Speaker.

640 **Mr Speaker:** I take the point the Hon. Leader of the Opposition has made –
Oh, sorry, the Hon. Daniel Feetham.

645 **Hon. D A Feetham:** Yes, just to add this. There is an inherent inconsistency here, between the position of the Government in public and the position of the Government in this House. Look, if the matter is *sub judice* and the *sub judice* rule is applicable outside this House, as well as inside this House... So if a matter is *sub judice* one should not be commenting about it outside this House.

650 What the hon. Members are trying to do is use the *sub judice* rule inappropriately, in my view, and effectively made public statements *outside* this House, which are unchallenged, unless they are responded to by us in a press release, but then shield themselves by using the same principle from being asked questions in this House. That is an inappropriate use, in my view, of the *sub judice* rule.

Hon. Chief Minister: Well, Mr Speaker, I will tell him why on that point, and this point of order – which is now dragging into a debate – he is completely wrong. Very simply because he needs to read exactly what we say and not what he would like us to have said publicly.

655 In none of the public comment we have made, have we made any comment in respect of the merits of this case at all and that will continue to be the position.

Hon. P R Caruana: Mr Speaker, that is not strictly true. Will the hon. Member acknowledge –

660 **Hon. Chief Minister:** That is what you said –

Hon. P R Caruana: No, it is not strictly true.

665 **Hon. Chief Minister:** Point of order. The hon. Gentleman made very clear at the last meeting of the House, when he was getting very hot under the collar, that not only could we now not say that either of us were liars, but now we could not even, in the lexicon of his understanding of the rules, we could not even say that what we were saying was ‘not true’ because that amounted to saying that one or the other of us was a liar. So I invite him to reconsider how he puts that part of his final, I guess, intervention on the point of order.

670 **Hon. P R Caruana:** Mr Speaker, it is not strictly true, what the hon. Member has said. It is not strictly true that the Government has not commented in public on the merits of the case. They have gone... they have said, for example, things such as the costs were exceeding the likely value or damages involved in the case. (*Interjections*)

675 Mr Speaker, that is more relevant to the *sub judice* rule than anything we have said in here and, indeed, I have a question later on in the Order Paper which addresses this point, for which I am very happy to wait for.

680 But, Mr Speaker, I am very keen not to conflate, despite what the Hon. the Minister for Justice has said. I am very keen not to conflate, whatever may be the correct application of the *sub judice* rule to particular aspects of the questioning that had been developing on the bus case, I am very keen to keep that separate from the point I am making on the point of order, which is isolated from any particular debate, which is simply to point out to this House that my understanding of the *sub judice* rule, which I have tried to support from a reading directly of Standing Orders, was not consistent with what was beginning to emerge in the run up, both from the Chair and from the floor, which tended to give the listener the impression that because the Minister said it was *sub judice*, therefore it was *sub judice* and, because the matter is before the courts, therefore it is *sub judice* and, therefore, it cannot be the subject matter of any... That is not what... I believe that is not what the Standing Order says.

685 **Mr Speaker:** You see I understand the essence of the Leader of the Opposition’s point of order is the terminology in the Standing Orders which referred to – and I quote the words:

690 '... in such a way as may prejudice the interests of parties thereto.'

That is the essence. Right. The mere fact that there is a pending proceeding is secondary. The main issue is the rule arises only *if* references may prejudice the interests of the parties thereto. Listening to this line of questioning, the first question asked whether legal advice had been obtained and the answer was clear, unequivocal, yes, sir. There were further questions arising there. We then reached a certain stage when the Minister said – or the Hon. Chief Minister said – that there were still pending matters for proceedings and that he regarded a further discussion would infringe the *sub judice* rules.

Sitting here where I am, I am not, other than my general knowledge of how legal proceedings proceed, I am aware that there is still a conclusion pending to that case, but I am not aware of other matters that might enable me to decide whether or not a discussion in this House may or may not prejudice the outcome of the pending matters. From that vantage point I have to accept that, if a Minister of the Crown stands up in this House and says, there are pending matters and that further discussion would infringe the *sub judice* rule, I would have to accept that as a fair and proper stance to take and call an end to the questions. I have no means of conducting an investigation right here and now as to whether or not a further discussion may prejudice the interests of the parties thereto, if I know that there is still a decision pending.

So, I would have to say that if the Minister for the Crown says – and I accept he will say it in good faith – that this is a matter which might infringe the *sub judice* rule, I will accept that.

710 **Clerk:** Question 238...

Hon. D J Bossino: I have further supplementaries, Mr Speaker. So on that basis –

Mr Speaker: As long as they do not infringe the *sub judice* rule.

715 **Hon. D J Bossino:** Well, this is the thing, I will ask the question and then, presumably, the Government Minister will say whether he can answer or not.

Mr Speaker: Yes. Well, certainly. Absolutely.

720 **Hon. D J Bossino:** Arising from the points of order discussion, I would ask the Minister for Transport whether the Gibraltar Bus Company will have *any* representation in the case from now on?

Hon. N F Costa: Yes, Mr Speaker.

725 **Hon. D J Bossino:** And presumably that representation will be in relation to the issue of damages – is that correct?

Hon. N F Costa: Mr Speaker, that is straying into the very debate that we have just had.

730 **Hon. P R Caruana:** Mr Speaker, why, to ask the... The hon. Members have already said publicly – *publicly* – without fear of prejudice to their case, that they have instructed the directors of the bus company to withdraw the company's defence to the claim for unfair dismissal. Therefore, how can it possibly be prejudicial to the interests of the Crown – not even the Crown, to this company, the Gibraltar Bus Company Ltd – for the hon. Member to be asked whether their representation is on the question of damages and costs? What else could it be on?

Hon. Chief Minister: Mr Speaker, we are not going to stand up in this House and list what issues may or may not remain live for the tribunal to consider. That, in my view, is to stray well beyond the *sub judice* rule into litigating the issues in this Parliament.

740 Mr Speaker, I do not accept the hon. Gentleman's interpretation during the course of the point of order that, as the representatives of the public, who are the shareholder in the Bus Company, we should have no influence over what its directors do. That appears to be the hon. Gentleman's interpretation (*Interjection by Hon. P R Caruana*) of what the position is (*Interjections*) of what the hon. Gentleman's position is, now that he is over there, but not what it was like when he was over here! (*Laughter*) Given his view, I suggest that the

745 hon. Gentleman writes to the director of the Bus Company and asks him the questions.

Hon. P R Caruana: If you free him to answer them honestly, which I doubt.

750 **Mr Speaker:** Order. Order.

Hon. Chief Minister: To say, from a sedentary position, that a senior civil servant, who is now the director of this Bus Company would do anything but answer a question honestly, when posed by the Leader of the Opposition in writing is to, perhaps, think of the regime he used to rule over, rather than the one that we administer for people today. (*Applause*) (*Interjection*)

755 **Hon. D J Bossino:** Given what *we* still describe as a smokescreen reason of costs, can the Minister advise this House how that legal representation in the Industrial Tribunal claim is being held. In other words, are you instructing the same lawyers who you instructed in relation to the, or rather before you withdrew the claim, or is it separate legal representation, or is it in house, is it the AG's Chambers, can he answer *that* question, Mr Speaker?

Hon. N F Costa: Mr Speaker, it would be the same solicitor that will be representing the Bus Company.

765 **Hon. D J Bossino:** Once again, the only substantive reply we have had in our debates in the press has been, as far as I am concerned, that there was a concern from the Government side in relation to costs, Mr Speaker. So, is the Minister satisfied that that issue is now resolved, despite the fact that you have the same representation which you claimed was the cause of the increase in costs.

770 **Hon. Chief Minister:** Mr Speaker, this is again straying into the live issues. The issue of costs, although it is not an issue which is as live in industrial tribunal cases as it is in Supreme Court proceedings, because the jurisdiction of costs is not there, is *relevant* to all these issues and we are not going to get into discussing them.

775 Mr Speaker, the hon. Gentlemen – and Lady – are keen to litigate this case in this Parliament, rather than allowing justice to take its course. We will not be drawn into that litigation. I do not know what it is that they have against Mr Sardeña, but as far as we are concerned, the matter is before the Industrial Tribunal and there it should be dealt with.

780 **Hon. P R Caruana:** Mr Speaker, if the hon. Member is of that view, why did he not just allow the case to run its course and allow the case to be decided on the merits between the claimant and the company, (*Applause*) rather than instruct the directors of the Company to withdraw a perfectly good defence in respect of a claimant who had been convicted for fraud in this very Industrial Tribunal case (*Applause*) – and is a well-known activist in the GSLP?

785 **Hon. Chief Minister:** What a disgusting way, Mr Speaker, to bring this Parliament into disrepute, to try and have a trial here, by his standards, of a man who is before another tribunal still with a claim that he has pending, as a result of the vindictive manner in which the hon. Gentleman opposite dealt with someone who was initially his supporter, and saw the light, and decided to become *our* supporter!

790 It is incredible to see the lengths to which the hon. Gentleman will go to punish people who do not support him. We will not, in this House, litigate the Sardeña matter. The hon. Gentleman no longer controls the purse strings of the Bus Company, he is no longer the Chief Minister of Gibraltar, *he* can no longer instruct the defence in that matter. The Government has said publicly why and what it has done and that is the position that we defend. (*Applause*)

795 **Hon. P R Caruana:** Mr Speaker, we are not interested in trying the Sardeña matter. We are interested in trying the hon. Members politically, for what we consider to be a political abuse of power, namely (*Applause and interjections*) a matter in which the current Minister for Employment represents Mr Sardeña in front of the Industrial Tribunal and the matter in which the current Chief Minister represents Mr Sardeña before the courts of Gibraltar. They then win political office and the first thing they do is instruct the Government owned company to withdraw the defence against their previous clients, in a way that exposes the company to a ruling

800 against it, where the merits are with the company and not with the claimant.
That is what we, what we are (*Applause*) holding the Government politically to account for. I am not interested in trials, Mr Speaker. If the hon. Members think that this matter is going to go away, that it is capable of going away simply because the hon. Member stands up in an over excitable mode and tries to suppress debate, the hon. Members had better think again. This matter is not going to go away!

805 **Hon. Chief Minister:** Mr Speaker, the only person who has ever tried to suppress debate is the hon. Gentleman when *he* was here as Leader of the House. (*Applause*) He needs to know, Mr Speaker, that No. 6 Convent Place is no longer a ‘star chamber’, where he used to decide, as judge, jury and executioner, the fate of anybody who did not support him.

810 He needs to be reminded that the political abuse of power is to spend 16 years giving grace and favour and cash to your best political supporters, many of them related directly or tangentially to Ministers!

815 He needs to remember, Mr Speaker, that the biggest political abuse of power in the history of Gibraltar was the funding, by the taxpayer, of the weekly political manifesto of the hon. Gentleman opposite, which blurred the distinction between the party and the state to such an extent, that the good government of Gibraltar and the basic tenets of democracy were imperilled! That is why *he* is sitting there and *we* are sitting here. (*Applause*)

820 **Hon. P R Caruana:** Mr Speaker, the hon. Member obviously does need to calm down. He is losing the plot, Mr Speaker.

825 I leave the hon. Member with two thoughts: firstly, it is no great shout to be proud about to have succeeded in unseating a government, that had suffered 15½ years of electoral attrition, by 280 votes! So every time the hon. Member announces, comfortably, that they have the confidence of the people of Gibraltar, please remember that they are probably the first party, the first Government in the political history of Gibraltar – the modern political history of Gibraltar, anyway, since after the AACR days – to have won their first term of office with less than 50% of the electoral vote.

The hon. Members do not enjoy the support of the majority of the electorate. (*Interjections*) The majority of the electorate...

830 Right. Well, Mr. Speaker, the hon. Member... If the Hon. Mr. Speaker is going to let the Hon. Chief Minister embark on a diatribe that has nothing to do with the subject matter of what we were discussing at the time, then he *should*, in the interests of even-handed debate, allow some margin to the Opposition.

Will the hon. Member acknowledge – and this is the second thought that I would like to leave him with –

Mr Speaker: Question, perhaps?

835 **Hon. P R Caruana:** Well, ‘will the hon. Member acknowledge...’ normally suggest that a question follows in the next few words. I cannot imagine how you could add to the words ‘will the hon. Member acknowledge’ in a way that does not constitute a question.

840 **Mr Speaker:** Yes, but then the hon. –

Hon. P R Caruana: Will the hon. Member –

Mr Speaker: Then the hon. Member did say [*inaudible*].

845 **Hon. P R Caruana:** Will the hon. Member acknowledge, since he has pointed out to this house that Mr Sardeña used to be a supporter of my party and no longer is, that the reason for that may be precisely that we were not willing to deploy grace and favour on who was, at the time, a political supporter of the Government and that we lost his support for that reason?

850 **Hon. Chief Minister:** Mr Speaker, so much for settling down to the temperate marathon of four years of government.

Mr Speaker I want to tender an apology to you, on behalf of the Leader of the Opposition, because I think that he did not mean to take you on as he did when you asked him to ask a question. I think that he was, perhaps, himself a little over-excited.

855 Mr Speaker I do not acknowledge what the hon. Gentleman has suggested.

Mr Speaker: Next question, please

860 **Clerk:** Question 238

Mr Speaker: Order.
The Hon. Damon Bossino.

865 **Hon. D J Bossino:** Yes, I am grateful, Mr Speaker.
The Chief Minister made an allusion to our school days and I must say that his performance right now reminds me of that – of a school debate.

Now this is an issue, Mr Speaker, which is of grave public concern

870 *[Technical interruption]*

and, as an Opposition MP and as a member of this Opposition, I think I am entitled to probe the Government in relation to issues which are not only of grave public concern because people come and talk to us about these issues but also because it has been the subject of very lively debate in the press.

875 Now, if it is the subject of very lively debate in the press surely it ought to be the subject of a very lively question-and-answer session in this House, if we are going to respect the standing of this House in this community.

880 And the facts are these – and I would put this to the Minister for Transport – that the explanations he has given in relation to this matter, the decision being taken by the Government being informed by a cost cutting exercise, simply do not ring true when set against, Mr Speaker, when set against the other undeniable facts they have not engaged us in relation to these facts: which is that Mr Sardeña is a GSLP supporter; that both the Minister for Employment and the Chief Minister acted for him in one guise or another in relation to matters arising from that same claim; that Mr Sardeña was convicted of a conspiracy to defraud and the conviction was not overturned on appeal; there is then a win by the GSLP into government and, only after that, they instruct the directors of that company to withdraw the claim, so that Mr Sardeña, as claimant in those proceedings, is potentially entitled to claim the sky-is-the-limit damages – using the Minister for Employment’s words in the last session, in this house.

885 So, set against those facts which they have not engaged us on, in the press, set against those – and we think undenied facts – the cost explanation, the cost reason, for the withdrawal of the claim simply, Mr Speaker, do not ring true. I put that to the Minister and I am raising this because it is a matter of grave concern for the public at large.

890 **Hon. Chief Minister:** Mr Speaker, no-one has done more to raise the standing of this House in our community than we who are sitting on this side. We have finally brought real parliamentary democracy to Gibraltar, monthly meetings of the House, enabling the hon. Gentleman – who I think never switched on the AM frequency of the radio in the time that he was not elected in this Parliament (**Hon. D J Bossino:** I did.) or, if he did, he was not paying much attention, and I hope he was not, because he should have been paying attention to the legal work for which he was being paid at the time! – in order, Mr Speaker, to allow the hon. Gentleman to have opportunities like this, to come to this House, to ask questions. (**A Member:** Hear, hear.)

900 But, Mr Speaker, I must say to him, having a lively debate is not to have a debate as children have in school; it is important that we have lively debates. It is important that the debates not be staid and boring. It is important, Mr Speaker, however, to *listen* during the course of a debate.

905 It is important Mr Speaker that your ruling on *sub judice* will be respected, as much by Members opposite as it must be by Members on this side of the House. The hon. Member’s question now is to ask *entirely* about the merits – contrary to your ruling – and I am saying, Mr Speaker, that frankly, it beggars belief to hear an MP for the GSD complain that he does not have an opportunity to ask questions of a GSLP/Liberal Government. I put it to him, Mr Speaker, that he needs to recognise that, in the next four years, depending on when the election is called, there are likely to be 44 such meetings – more, Mr Speaker, than in the 16 years that the party whose manifesto he defended at the last General Election held!

I understand, Mr Speaker, that the Hon. Mr Bossano wants to make a point of order arising from the hon.

910 Gentleman's supplementary.

Hon. J J Bossano: Mr Speaker, I did not say, as the hon. Member claimed, that the law, in the case of industrial tribunals, provides that, in claims for damages, the sky is the limit. That is not the case, and that is not what I have said.

915 The reality is – as he should know, because he goes to many of these tribunals himself – is that the tribunal for many, many years had a provision that the basic award – which is the award that is handed over to somebody, even if he has lost no money, as a result of a dismissal – should be at least £2,200, at the discretion of the Chairman, and that is the only change that has taken place: the basic award.

920 The compensation, which is for the loss sustained, is unchanged and that is still subjected, not to the sky, but to a maximum of four years of the minimum wage or two years of the actual salary, whichever is the lesser of the two.

Hon. D J Bossino: Mr Speaker, does he have a point of order?

925 **Hon. J J Bossano:** Well, the point of order is that he claimed that I had said something different. He said I had said the sky was the limit in claiming damages. That is not what I have said.

I have not given him the explanation before, that I am giving him now, but it is an explanation that he does not need from me, because he knows what the law is as well as I do, and he goes to tribunals the same as I have done.

930 **Mr Speaker:** It is a point of rectification, more likely, but –

Hon. D J Bossino: Yes, but is it not the case that the effect is that what a successful claimant, as a result of the de-capping of the basic award, will now be the beneficiary of, is in effect a 'sky-is-the-limit' award, (Interjection) if the Minister for Employment wants to make a distinction between compensation and what is the basic award, yes, I understand that and I accept that.

940 But – I am maybe repeating myself – if you remove the cap from the basic award, then the effect of that is that the award in total, both arising from what the Chairman of the Tribunal may grant by way of basic award and what he may then grant by way of a compensatory award – two elements – will be that the award will be in effect, 'sky is the limit'. I have to correct the hon. Member: he did use those words specifically – and I am wondering whether he would concede that specifically – in relation to the basic award debate, question and answer session, that we had in the last session on 15th February.

945 **Hon. J J Bossano:** Mr Speaker, there has not been a limit to the basic award until it was introduced by Mr Montiel as Minister for Labour, and in all the awards since 1974, the awards in respect of the basic, whatever the theoretical sky may be, have never been more than 10% or 20% above the £2,200 and, therefore, there is no... On the basis of experience of 30 years of the operation of the tribunal, the theoretical limit of the sky is, in fact, not reflected in reality.

950 The damages... which is what he said I had said, is not what I had said. That is the point I objected to. The damages are limited already in the law, as they have always been.

Mr Speaker: I think we are now in danger of straying into discussion of what the law on compensation is. (Interjection by Hon. J J Bossano)

955 **Hon. D J Bossino:** But I do not think he has necessarily addressed the points I made.

I have conceded that maybe I have expressed myself incorrectly, if I have referred to it as damages. But maybe if I refer to it... to replace the word 'damages' with the 'award', which will comprise both the compensatory elements, which he may describe as damages, and also the basic award... in respect of which, given that there has been a de-capping of it, there is a sky-is-the-limit potential award which can be awarded in relation to industrial claims.

960 This is the only point I was making and he said so at the last session of the House when he told... In answer to a question posed by my hon. Friend, Mr Danny Feetham, he said:

'Now it is clear that they –'

965 – referring to the chairmen of industrial tribunals –

‘– can give more. They can now sleep at night, comfortable in the idea that the sky is the limit and they can give workers as much money as they want.’

970 Those were the Hon. Minister for Employment’s words, and not mine.

Mr Speaker: But, anyway, I think we are now straying into the realms of the law on the compensatory element.

975 **Hon. P R Caruana:** The point of order is that he did not say it was the sky is the limit – but he did say it, obviously...

Hon. J J Bossano: The hon. Member, when he is sitting down, is saying something that is incorrect.

980 He said that I had stated that the sky was the limit for damages. The basic award is not in respect of any damage. The compensatory award is in respect of damage. The £2,200 basic award has the sky as the limit since we introduced it in this House in 1974, when it said ‘it shall be not less than’ and therefore it has *always* been that the sky was the limit, except for a very short period.

985 Therefore, the point that I am making is if he wants me to speculate as to what is likely to happen... well, I cannot speculate, but I do not expect that anything is going to happen now that we have restored the position to what was happening before it was taken away.

Hon. D A Feetham: Mr Speaker –

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

Hon. D A Feetham: Yes, I would like to ask a supplementary of the Minister for Tourism.

995 He said – and I apologise, I had not heard him the first time round – that he had obtained legal advice. Can he tell this House whether that advice was from the Attorney General’s Chambers or from a law firm in the private sector?

Hon. N F Costa: It was a law firm from the private sector, Mr Speaker.

Hon. D A Feetham: Can he identify that law firm?

1000 **Hon. N F Costa:** Mr Speaker, it was done on a *pro bono* basis, so it was at no cost to the Government.

Hon. D A Feetham: Well, whether it is *pro bono* or not is irrelevant. The advice has been given.

1005 He should know, as a lawyer, that they are as liable for advice given, whether they charge or not. Now, can he identify the firm that provided the advice?

Hon. N F Costa: Mr Speaker, the reason why I said it was *pro bono* was partly due to answer the charge that Mr Bossino made that I was concerned for cost.

1010 I am very concerned about cost, which is why I sought advice on a *pro bono* basis. I am perfectly aware that when I gave *pro bono* advice as a solicitor, I would be equally as negligent, if I provided negligent advice, and liable.

Hon. D A Feetham: Is he going to answer the question? Who is the firm? Who is...? Which firm gave the advice?

1015 **Hon. N F Costa:** Yes, Verralls Solicitors.

Hon. D J Bossino: And who was acting for the Gibraltar Bus Company previously, if it was a different firm?

1020 **Hon. N F Costa:** I believe it was Triay & Triay.

Hon. D J Bossino: Presumably, Verralls will now be acting for the Gibraltar Bus Company in the residue of the industrial tribunal claim?

1025 **Hon. N F Costa:** No, Mr Speaker, I obtained the *pro bono* advice specifically on the question where we were at the point.

As I have already explained, Mr Mark Isola will be representing the Bus Company going forward.

1030 **A Member:** Is he a QC?

Hon. N F Costa: Mr Mark Isola QC, yes.

Mr Speaker: I think we should go on to the next question.

1035

**Gibraltar Air Terminal Ltd
Chief Executive Officer**

1040 **Clerk:** Question 238, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether the position of the Chief Executive Officer of Gibraltar Air Terminal Limited has been filled?

1045 **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): No, sir.

1050 **Hon. D J Bossino:** Is there any intention of filling the post, Mr Speaker?

Hon. N F Costa: Mr Speaker, we are currently considering the options.

Hon. D J Bossino: Which options is the Minister considering, if I may ask? (*Interjection*) Considering the options, I just want... (*Interjection*)

1055 We are here to scrutinise the Government and I would like an answer to that question.

Hon. N F Costa: You asked the question, and that was the answer – that we are considering the options whether to fill it, or not.

1060 **Hon. D J Bossino:** Oh, I see, whether simply to fill the post or not?

Hon. N F Costa: Yes.

1065

**Nottingham Travel Trade and Commerce road show
Government participation**

1070 **Clerk:** Question 239, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the cost to the Government of its participation at the Travel Trade and Commerce road show recently held in Nottingham, together with details of those who participated as part of the Government delegation, to include the cost of such participation?

1075

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, the information requested by the hon. Gentleman is set out in the schedule that I now hand over to him.

SCHEDULE TO QUESTION NO 239/2012

NOTTINGHAM TRADE ROAD SHOW

	£
SUBSISTENCE	90.66
HOTEL	690.00
FLIGHTS	1246.70
TRAVELLING EXP	544.00
HOSPITALITY	3777.10
MISC	713.13
TOTAL	7061.59

1080

NOTTINGHAM CONSUMER ROAD SHOW

	£
STAND	6798.02
GENERAL EXPENSES	154.61
TOTAL	6952.63

Hon. D J Bossino: Mr Speaker, I have had a chance to read the schedule handed to me, kindly, by the Minister.

1085

I do not think he has answered one limb of the question, which is:

‘...with details of those who participated as part of the Government delegation...’

That information is not set out in the schedule he has handed over.

1090

Hon. N F Costa: Yes, Mr Speaker. In fact, I have just realized that the schedule does omit the persons who attended, but I do have the information here, so I can tell him that it was myself, Mr Nicky Guerrero and Mr Paul Martinez from Gibraltar.

At the event from the Gibraltar office were Mr Lerner, Miss World, Miss Kaiane Aldorino and Mr Ian Leyde. My apologies for that omission, Mr Speaker.

1095

Hon. D J Bossino: This arises from the press statement issued by the Government in relation to its attendance at this trade fair where they make somewhat of a song and dance about meetings with the airlines currently operating to Gibraltar and with bmibaby. Can the Minister report to this House how those negotiations, if I could put it in those terms, are progressing, and will he also confirm that, in fact, those contacts, if I could put it in those terms, had already been established by this party when it was on the other side of this House?

1100

Hon. N F Costa: Mr Speaker, yes, in the first part of the question, to answer my hon. Friend, I did have meetings with British Airways, with easyJet, with Monarch and with bmibaby. In respect of bmibaby, we in fact went to visit them at their offices, because of course we were discussing the inaugural flight to Gibraltar, the possibility of other routes etc. I met with the other air carriers at Gibraltar House in London. It is very early stages to say, but it is fair to say that we did discuss the possibilities of regional connectivity from different airports in London.

1105

1110 As the hon. Member knows, we are considering the entire tourism policy and the fact is that I am not
straightaway a believer of the road travel show philosophy. My view is quickly coming to the conclusion that
it is much more beneficial in terms of bringing business to Gibraltar of having one-to-one meetings and
building personal relationships. So I held those meetings. They were preliminary introductory meetings where
1115 we did not actually get down to the nitty-gritty of discussing possible regional connectivity. I have already,
obviously, stayed in touch through correspondence. We are planning a second series of meetings to make sure
that there is that permanent liaison with the top people at those industries to ensure that when Gibraltar *is*
discussed and there is the idea of having regional connectivity from any part of the UK, they know that they
can contact the Minister or Mr Guerrero straight away to have that discussion.

1120 In answer to the second part of his question, I am afraid that I have to tell him that the air carriers were not
very much aware of the incentive schemes that were available to be able to fly to Gibraltar and, in fact,
without wishing to put down my predecessor who used to be responsible for tourism, they seemed to be
delighted with the fact that we were making such efforts in making personal contact and they wished that that
had been the case in the past, and that now, whenever there is the possibility of flying to Gibraltar, they know
they can pick up the phone and call me personally.

1125 **Hon. D J Bossino:** Mr Speaker, I am not sure whether the last bit of the Minister's reply is in fact wholly
correct, and I suggest he is putting a spin to it which does not quite reflect reality.

1130 As I understand it from speaking to his predecessor, Mr Holliday, I think the contact that he had with the
top echelons, the chief executives of these companies, was in fact very good and very close, and in fact, as a
result of his efforts, Mr Speaker, b-me-ibaby ... and I stand to be corrected but as I understand it, b-me-ibaby
was already committed, (**Hon. N F Costa:** Yes.) is already committed (**Hon. N F Costa:** Yes.) to start flight
operations to Gibraltar.

Hon. N F Costa: Yes, but, Mr Speaker, as I understand it, that was Mr Britto, not Mr Holliday.

1135 **Hon. D J Bossino:** All I am saying is my information is coming from Mr Holliday and I can reveal that to
the House without difficulty, because as I understand it, it was Mr Holliday who had the contacts with these
airlines.

1140 Can he confirm that b-me-i-baby, which is one of the airlines he mentions in his press statement is... b-
me-i?

Hon. N F Costa: bmi.

Hon. D J Bossino: bmi – sorry – is coming to Gibraltar in March, I believe it is.

1145 **Hon. N F Costa:** Yes, Mr Speaker, I have already said yes.

Hon. D J Bossino: Though not as a result of any of *his* efforts. Is that the case? (*Interjections*) Maybe he
can answer that particular question.

1150 **Hon. N F Costa:** Sorry?

Hon. D J Bossino: Is it not as a result, would he agree, of *his* efforts, but really of the predecessor in post?

1155 **Hon. N F Costa:** Mr Speaker, that question rests on the untrue assumption that I have at any point said
that the result where bmibaby is flying to Gibraltar was as a result of my efforts. I have never *ever* said that,
because it just would have been a patent falsehood.

1160

DEPUTY CHIEF MINISTER

**Heritage, culture, tourism and the environment
Government's co-ordinated approach; register of projects**

1165

Clerk: Question 313, the Hon. D J Bossino.

1170

Hon. D J Bossino: Can the Deputy Chief Minister advise where the register of projects, announced by the Government in connection with – this is a bit of a long question – the first inter-ministerial meeting to promote a co-ordinated approach to heritage, culture, tourism and the environment will be kept?

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

1175

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the register of projects will be kept electronically and access will be allowed to the relevant Departments.

Hon. D J Bossino: So, just to clarify, the register of projects will be available in the Convent?

1180

Hon. Dr J J Garcia: Yes.

Hon. D J Bossino: No. 6 Convent Place?

Hon. Dr J J Garcia: It will be kept electronically.

1185

Hon. D J Bossino: And therefore it is available to anybody who has an interest – to the public at large, if I can put it in those terms – is it not?

1190

Hon. Dr J J Garcia: It is available only to the Departments who are interested, who are taking part in the inter-ministerial committee. It is an internal committee and an internal register.

Hon. D J Bossino: Fine. So when the Government said, in its press, that a register of projects will be kept in order to be able to record progress on each of them, the checking up on progress, if I could put it in those terms, is for the various component parts of the group, as opposed to the public. Can he confirm that?

1195

Hon. Dr J J Garcia: Yes, Mr Speaker, that is correct.

1200

SPORTS, CULTURE, HERITAGE AND YOUTH

**Heritage Action Committee
Meetings held since 9th December 2011**

1205

Clerk: Question 240, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Heritage say how many times the Heritage Action Committee has met since 9th December 2011?

1210

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, the Heritage Action Committee has met on one occasion, on Thursday, 23rd February 2012.

1215

Hon. E J Reyes: Mr Speaker, may I ask the Minister, as a result, does he intend to make available the recommendations and discussions held... sorry, the matters discussed by the Heritage Action Committee for

perusal by interested bodies? Does he intend to make those available, perhaps online, like tends to be the trend with other entities?

1220 **Hon. S E Linares:** Mr Speaker, that was not discussed in the first meeting, but I am sure I will discuss it in the next meeting, and just to say to the Minister that at least the Heritage Action Committee now are given the option to meet bi-monthly, so that it is more regular, and therefore the flow of information will be more attainable to the Minister and the Members.

1225

**Heritage Action Committee
Membership**

1230 **Clerk:** Question 241, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage say who the current members of the Heritage Action Committee are?

1235 **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, yes, the members of the Heritage Action Committee are as follows: myself, as Chairman; Prof. Clive Finlayson; Dr Geraldine Finlayson; Dr Darren Fa; Mr Mario Mosquera; Ms Claire Montado; Mr Nicky Guerrero; Mr Paul Origo; Mr Dennis Beiso; and Mr Carl Viagas.

1240

Hon. E J Reyes: I am grateful for that, Mr Speaker.

1245 Given that the Minister has answered by giving me the names, rather than the title of a particular position that that person might hold as an employee, are these individual members of the Heritage Action Committee on a personal basis or is it, for example, because... if we can quote, Mr Mosquera and Ms Montado happen to be, respectively, the Chair and the CEO of the Gibraltar Heritage Trust?

Hon. S E Linares: Well, Mr Speaker, these are the same members that *he* had in his Committee. There has not been any change, except myself, so he should know who they are, but I will give it to him.

1250 Prof. Clive Finlayson is in the Heritage Department. Dr Geraldine Finlayson –

Hon. E J Reyes: I may save the Member some time. It is not quite what I am asking him.

1255 Two things. One is he is not purposely, but I think there is a slight error... They are not *exactly* the same members that were there when I was, but it does not matter, Minister. What I am trying to get at is are these individuals there as a result of *ex officio*, for example, because one of them happens to be the Chairperson of the Heritage Trust, and that is why they are invited to be a member, or is it because a particular person carries a particular wealth, knowledge or experience, and therefore they are appointed or invited to become a member on a personal holder basis? There is nothing hidden in there.

1260 I am trying to establish, should the Heritage Trust decide at its next annual general meeting to change the chair, does it follow from there that the new chairperson then automatically takes over without having to do anything different?

1265 **Hon. S E Linares:** Yes, Mr Speaker, because as far as I understand it, the Heritage Action Committee, which was formed by his party, actually invited people of the different sectors – and they are from different sectors. Mr Mario Mosquera happens to be the Chairman of the Gibraltar Heritage Trust, Ms Claire Montado is the CEO of the Heritage Trust, Mr Nicky Guerrero comes as part of the Tourism Board and he was probably not there before because there has been a difference, in that he is now back into the Tourism Board. Also, Mr Paul Origo because he is the Town Planner and he would probably, if he is absent... and in this case in this meeting he was absent, and Mr Paul Naughton-Rumbo attended, who is the Deputy Town Planner. Mr Dennis Beiso is the Archivist, so he came, I presume, as he originally did as the Archivist, and Mr Carl Viagas is Private Secretary of the CM.

1270

So, yes, Mr Speaker, basically they are people who are in different positions and if they do change, I presume that the Action Committee will send all... the heritage staff, for example, will send to the Action Committee the right person.

1275

**Jazz Festival
Arrangements**

1280

Clerk: Question 242, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide details of the organisational arrangements being made to hold a Jazz Festival in Gibraltar?

1285

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, the Ministry of Culture is, indeed, organising an international Jazz Festival that will be held in the last week in June 2012.

1290

The Festival organisation is being co-ordinated by staff at the Ministry, with help and advice from the Gibraltar Jazz Society. There will also be collaboration with the Department of Education and schoolchildren will have the opportunity of attending jazz workshops during the morning being given by the international musicians.

The Ministry will shortly be inviting applications from local entities for the provision of sound and light, as well as a stage.

1295

**Gibraltar Sports Advisory Council
Meetings held since 9th December 2011**

1300

Clerk: Question 243, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the dates when the Gibraltar Sports Advisory Council and/or any of its sub-committees have met since 9th December 2011?

1305

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, the Sports Advisory Council met as a *full* Council on 24th January 2012. The sub-committee of the Sports Development Projects met on 15th January 2012.

1310

Hon. E J Reyes: Thank you for that, Mr Speaker.

The Minister might be aware that there has been a call by representatives of certain local sports organisations, asking for more openness in access to either attend or to look at the Minutes and so on of meetings of the Sports Advisory Council and all its sub-committees. Does the Minister have any views of whether he will accede to that request?

1315

Hon. S E Linares: Mr Speaker, it has not come to my attention, that request, but I am sure that, within the next meeting, which we are having even more regularly than it used to happen, if that comes up... I even dare to say that I would even propose it myself.

1320

So I have no problem in being more open *if* the Committee wants, because it is up to the Committee, not up to me, but up to the Committee if they wanted to have it in public. I am open to have it public.

1325

Hon. E J Reyes: Thank you.

I am not entirely clear what the Minister said, 'if the matter comes up'. The matter has been aired through

the media as a proposal from a locally registered sporting association, who I think currently hold a seat within the Sports Advisory Council, so how can the matter come up?

The Minister does not seem to have been able to read that letter to the press that was published. Can he then say how on earth can these people put the matter as an item on the agenda?

1330

Hon. S E Linares: If there is an association already, they have representation and they can represent themselves in the Advisory Council, anyway. I have not read the right letter. I must have been very busy in the office meeting people all day and, therefore, I have not had the chance to read that letter.

1335

But, like I said, if that is the case, I have no problem whatsoever to even propose myself for these meetings to be public, to be open, so that everybody can listen to everything that is happening in this Committee which, I daresay, it is incredible that it has come out now when we are in Government. But, look, I am quite open to having open meetings, no problem.

1340

**Swimming pool emergency repairs
Details of cost**

1345

Clerk: Question 244, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure now provide details of the costs incurred to carry out the emergency repairs at the 25 metre swimming pool, as explained in answer to Question No. 121 of 2012?

1350

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 costs incurred to carry out the emergency repairs at the 25 metre swimming pool, as explained in answer to Question 121 of 2012, is £1,302.

1355

Hon. E J Reyes: Mr Speaker, was the hon. Member, as a result of having carried out those repairs and so on... has he been able to advance on an issue that we both share, the long pending saga of the air treatment? Have we managed to make some better progress for the benefit of the pool users?

1360

Hon. S E Linares: Yes, Mr Speaker, absolutely. We have the CEO of the Sports and Leisure Authority has already identified what type of air treatment we are going to put. We have even put more budget this year, in order... or at least, I have put more budget because it has to be yet approved and, as we work, we put in budgets to see how much we can spend on different issues.

1365

I can tell him that I have worked with the CEO of the Sports and Leisure Authority to see how we can not only do the air treatment, but a whole refurbishment of the pool and the poolside and all the pool areas, including the new pool.

1370

**Gibraltar Rugby Football Union
Playing facilities**

Clerk: Question 245, the Hon. E J Reyes.

1375

Hon. E J Reyes: Can the Minister for Sports and Leisure say what playing facilities are currently available to the Gibraltar Rugby Football Union?

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

1380

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar

Rugby Football Union has a total of 17½ hours of allocation available to them on a weekly basis, as follows: Westside School outside area, 1 hour; Bayside Sports Centre, pitch number two, 5½ hours; Bayside Sports Centre, archery area, 9 hours; Bayside Sports Centre, north junior pitch, 1 hour; Bayside Sports Centre, south junior pitch, 1 hour.

1385

Mr Speaker, I understand that this is not for competition, but only for training purposes.

Hon. E J Reyes: Thank you for that.

1390

The reason why I am asking this to the Minister is I am taking it for granted that he is aware that the Gibraltar Rugby Football Union seem to be in quite an advanced and favourable position of being able to obtain membership of at least the European, if not the world, governing body, and therefore I think we both share the same thing. We have become victims of our own success in the promotion of sports and, therefore, there are now greater demands for use of facilities.

1395

Does the Hon. Minister have perhaps in mind some further provisions so that they may have at least a competitive type of pitch in order to progress in the game?

Hon. S E Linares: Absolutely, Mr Speaker.

1400

I have met with the Rugby fraternity, or at least the people who are the coach, the Chairman of the Rugby Football Union, a number of times. We are working very closely because we are looking at the short term because the short term is that, for now, we have not got a rugby pitch and therefore, because we have not at the moment got a rugby pitch, we have got to try and do sort of like a patch-up work.

1405

We are trying to negotiate with the Devil's Tower Camp to see how much we can use that extra for the rugby because the rugby could use that area at least for now because, in the medium to long term, we have already discussed with them about the development of the Europa Ground with cricket. So we are going to combine it with rugby and cricket and there might be some football, but at least when the development of the Europa area comes along, then the rugby fraternity will have a permanent ground to play in and, therefore, all... and I am hoping, as well, that they can bring even international tournaments to Gibraltar.

1410

Hon. E J Reyes: Thank you for that, Mr Speaker. I am really pleased to see that the Minister tends to have the same approach and philosophy for the future as I also have in mind.

One thing, Mr Speaker, would the Hon. Minister know, or does he need to give it further thought in discussions with the Minister of Defence in order to be able to use the Devil's Tower Camp?

1415

Can I respectfully suggest to him that it might be more beneficial for sports persons that the allocations at Devil's Tower Camp are taken over by the Sports and Leisure Authority, who then, in turn, sublet to a particular association like, in this case, rugby, because it would allow us to develop, perhaps, a better partnership with the Ministry of Defence, rather than having bodies who then... individual sports associations then compete against each other to see who can get first... who can buy the PTI Devil's Tower Camp more drinks in order to compete for locations? I am saying this because I am offering myself to work together with the Hon. Minister for the development of sports, especially rugby, who I sincerely hope are successful in their application for international membership.

1420

Hon. S E Linares: I am grateful to the hon. Gentleman for the offer, which I am happy to take and have no problem in trying to work.

1425

On the Devil's Tower Camp, I can tell him that he is absolutely right. It is beneficial for the GSLA but they are a bit reluctant in giving that to the GSLA to control.

Thank you.

1430

Hon. E J Reyes: Since we represent the shareholders, perhaps the directors there will also have to do what the shareholders want.

Hon. S E Linares: Thank you.

1435

**Gibraltar Sports and Leisure Authority Board
Meetings held since 9th December 2011**

Clerk: Question 246, the Hon. E J Reyes.

1440

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the dates when the Gibraltar Sports and Leisure Authority Board have met since 9th December 2011?

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

1445

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority Board will be meeting – it has not met yet – on 21st March 2012.

Hon. E J Reyes: Yes, Mr Speaker, the same there.

1450

Given that this is a board of directors who have to carry out business, as prescribed by law and so on, is the Minister considering holding these meetings in open or at least publishing the minutes and so on, on, the formal Board meetings for the future?

1455

Hon. S E Linares: Mr Speaker, I repeat the same as before, that it would be up to the Board themselves to discuss it, the issue and, like I said, I personally do not have any problem with that. If they feel that they do not want to be in the public eye or do not want to publish for one reason or another, it is up to them, but I am quite open to that.

1460

ENTERPRISE, TRAINING AND EMPLOYMENT

**Families and Community Affairs
Head 5-A expenditure**

1465

Clerk: Question 247, the Hon. J J Netto.

1470

Hon. J J Netto: Mr Speaker, can the Government state what is the tentative expenditure figure as at the end of February 2012 for Head 5-A Families and Community Affairs and whether, given the rate of expenditure, there might be an overspend at the end of the financial year and, if so, by how much, and in which sub-heads?

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

1475

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

Hon. J J Netto: Could the hon. Member at least explain what he means by no?

Hon. J J Bossano: I mean the answer to Question 247 is no.

1480

Hon. J J Netto: Therefore meaning that he will not provide the information.

Hon. J J Bossano: Meaning that the information is not available to me at this point in time and, therefore, I cannot supply it to him.

1485

Hon. J J Netto: Mr Speaker, I am not going to go regurgitating the same arguments that I did in February or January of this year, because that is in the record in *Hansard*, but as the hon. Member knows, what prompted this particular question was when he said, in the February meeting, that he used to ask similar questions of this particular nature in order to see whether the particular head had been exceeded or not. So, basically, this particular question has been modelled on the same basis as he said it before.

1490 But it seems to me that, even by trying to model my question on the same questions that he used to ask when he was in that position, he seems to be in a position that he is not willing to give the information. Is that the case?

1495 **Hon. J J Bossano:** Mr Speaker, it is not the case that anything that he has said is true because, in fact, I have not asked at any time in any financial year in March for the figure at the end of the previous month, after a period of two weeks.

1500 The questions that I used to ask, which did not go into asking about the subheads, about which subhead had been exceeded, whether it was estimated that it was going to be an overspend, or any of those additional elements, was limited – if he cares to look back, because clearly he does not remember – to asking for the end of September, what had been spent in the first six months of the year. The answer that I normally got, if I asked for it in October, or November or December, was that it was too soon to give me the information and that I should wait until January.

1505 That is what I was referring to when I pointed him to how often the information was available previously. The answer was that it was available previously for a six-month period and it was then described as a ‘tentative’ figure which would change and it was then further conditioned by saying the figures for the first six months were not necessarily an indication of what was happening the whole year. Certainly, I have never been given – or asked for, or expected to get, for that matter – information within a fortnight of the time that the civil servants are working on it. This is information that we will get at the end of March, in order to start looking at the figures that we need to bring to the House in terms of a forecast out-turn. It is not information that I am asking for being provided for, although I would expect which could be... in fact, whatever tentative figures are produced today could change in a week’s time.

1510 **Hon. J J Netto:** Is the hon. Member saying, therefore, that he will be in a position by the end of March, if I ask a question in April, to give me the answer?

1515 **Hon. J J Bossano:** No, I am not saying that I will be in a position at the end of March to give him the answer about February.

1520 What I am saying is that at the end of March we have to close the books. Therefore, it is only once the books have been closed, at the end of March, that we will have some idea whether there is going to be an overspend at the end of the financial year, because a bill can come in during February and be paid, or it may not come in during February and be paid and if it comes in during February, as the hon. Member knows, we operate cash accounts.

1525 So the books show, at the end of the day, what has been paid, as at the end of the financial year. It is only when that has happened that the controlling officers and the Treasury will start working out what are the forecast out-turns that will go into the book that we will bring to this House, which will show the proposed expenditure and the estimated out-turn. Therefore, the estimates that he is asking me for, in respect of February, I do not have, I have not asked for, and I do not think it is reasonable to provide at this stage.

1530 **Hon. J J Netto:** Thank you, Mr Speaker.

1535 Of course, there are many hypothetical scenarios in terms of expenditure, which can occur at any moment in time in the financial year that may bring about an overspend on a particular head but, all things being equal, Mr Speaker, when I do stand up to ask for a forecast out-turn at a particular moment in time, of a particular month of the year, that information can be given with a caveat, of course, that things can change if unexpected expenditure will take place.

1540 It seems to me, Mr Speaker, that the hon. Member is not going to provide this kind of information, no matter in what form or shape I present a question. So, perhaps, in my supplementary question, which was going to be directed to the Chief Minister... but I notice that he is not here right now in the Chamber, so perhaps if I direct it to the Deputy Chief Minister, he may be able to discuss it later on with the Chief Minister.

1540 Mr Speaker, when we were in government during 16 years, very often the then Chief Minister used to offer the Leader of the Opposition the possibility of having a select committee – a public accounts select committee. In fact, he even went to the extent of saying that he would even place the Leader of the Opposition as chairman of the public accounts committee. Therefore, my supplementary question is that, given the parliamentary reforms that the Government is considering, will he not consider also having a select committee

1545 on public accounts?

At the end of the day, the line of questions which I am asking is money that we have all asked for – sorry – that we have all participated and voted for in the Appropriation Bill and it seems to me that the whole aim of asking this particular question is to scrutinise the Government in terms of public accounts. It seems to me that if we are moving forward to scrutinise the Government, we should adopt the same practices that, basically,

1550 were not just necessarily the House of Commons, but the Scottish Parliament, the Welsh Assembly and, no doubt, other jurisdictions, whether Jersey, Guernsey or the Isle of Man, also do have means available to all Members, whether they are on the Government side or the Opposition side, to be able to scrutinise the Government on public accounts. The only place I can think of unless, of course, I am mistaken, is Gibraltar.

1555 We did offer to them when they were in Opposition: the hon. Member did not wish to take the offer forward. We on the Opposition benches would like to see, within the context of the parliamentary reform, whether we can have a select committee on public accounts so, at the very least, we know that this matter of looking at public accounts can be taken into account.

1560 Will the Hon. the Deputy Chief Minister take this proposal from the Opposition to the Government so that it can look into that in the context of parliamentary reform? Yes or no?

Hon. Deputy Chief Minister: Mr Speaker, I do not think the question, the supplementary, has any relevance to the original question.

1565 **Mr Speaker:** It is not directly relevant, but it is up to the Minister, if he feels he wants to answer it.

Hon. G H Licudi: Mr Speaker, the hon. Member talks about the possibility of a select committee and the matter going forward.

1570 As the hon. Member well knows, there is a Commission, which has been set up to advise and make recommendations, which will be debated in this Parliament. No doubt, the hon. Member will write to the Commission with his views, as to what parliamentary procedure should be adopted going forward and the Commission will, I am sure, take those views into account.

But there is a Commission that is looking into all these matters and that is the proper place to consider this.

1575 **Hon. J J Netto:** With respect, Mr Speaker, it is not for me to inform the Commission on what the Opposition may or may not like, this is the place, this is the Parliament, where we actually raise matters to the Government and I am raising to the Government whether they can give some thought to the possibility of having a select committee on public accounts, which is the norm in most western democracies. I am putting it directly to the Government, not to the Commission. Will the Government consider that?

1580 I remember, in one of my first questions, when we had the January session, which was on the question of looking at accessibility for disabled persons, access to public buildings, like in the question of Parliament, and the Hon. the Chief Minister stood up and said, ‘Of course we will look into that, so that disabled people can have access to the particular Parliament.’ So I do not see why, when I am asking directly a question to a member of the Government, that the Government cannot take it on board and look into the matter?

1585 **Mr Speaker:** Access to a public building like this House is something which the Government can deal with, without the need for a select committee or a commission, but the procedural matter which the hon. Member wishes the Government to look into, has been answered by the Minister for Justice as a matter which has been... or within the remit of the Electoral Commission, so it is a different issue.

1590 **Hon. D A Feetham:** May I, just in relation to that, add this, that my understanding from conversations certainly I have had together with the Hon. the Leader of the Opposition, with the Chief Minister and the Deputy Chief Minister, is that is not intended that the Opposition would make suggestions to the select committee on parliamentary reform, neither is it intended the Government would make suggestions to the select committee on parliamentary reform and that suggestions on this side of the House on parliamentary reform would be made on a bilateral basis. That is my understanding of discussions that we have had.

1595 **Hon. Deputy Chief Minister:** Mr Speaker, the Opposition may or may not wish to make submissions but, certainly, the party that they belong to is free to make those submissions to the Commission, which they

1600 would then consider.

Hon. J J Netto: Mr Speaker, could I please have an answer, if they wish to answer the question?

Will the Government consider the possibility, within the process of parliamentary reform, to introduce a select committee on public accounts? Yes or no?

1605

Hon. J J Bossano: Mr Speaker, the hon. Member is pretending to be asking a supplementary to a question about five – Head 5A, Families and Community Affairs – about the expenditure up to February this year.

I do not know what he thinks a public accounts committee would be doing, but he seems to have a notion that a public accounts committee would effectively do the role of the controlling officer of the head, because what is wrong with this question now and what was wrong with the question that he asked before, and what has never been asked in the 39 years that I have been here, is a breakdown of a head of expenditure, where it has payments to the Social Assistance Fund, contributions to the Statutory Benefits Fund, contributions to the Care Agency, additional contributions, general expenses for consumer affairs, electricity and water, telephone service, printing and stationery, Citizens' Advice Bureau, contracted services for inspections, office cleaning, personal emoluments, overtime, temporary assistance, pension contributions – now that is *one* head of expenditure.

1615

If one were to go through this on a monthly basis, and debate it and if that was a role of a select committee of the House, or a public accounts committee of the House, they would be doing nothing else. This is the job that the Civil Service does.

1620

I do not know if they used to spend all the time doing this when they were in office, but certainly he spent all the time telling *us* in this House what the answers to all these questions was in terms of whether the estimate for the year have been exceeded or not exceeded in the first month, the second month, the third month, the fourth month, and so on throughout the year – which is what he wanted the last time – or in the eleventh month – which is what he wants the first time – but it is not the information that he is going to get from me. I do not think it is information that makes any sense, or is relevant because, in effect, we would be able to replace all the Civil Service with him, if he was so interested in doing that.

1625

He used to accuse me of number crunching, but I think he takes the cake!

1630

Disabled persons in long-term employment Withdrawal of Disability Allowance

1635

Clerk: Question 248, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Social Security say how many disabled persons in long-term employment or supported employment have received letters from the DSS to the effect that the Disability Allowance is being withdrawn?

1640

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, as I indicated in answer to Question 127 of the last parliamentary session, 16 disabled persons were informed that their Disability Allowance would be reduced on a staggered basis.

1645

The Department of Social Security, following our exchanges, where he expressed concern that they would finish up worse off, has introduced a formula which guarantees that the first reduction is in the month of March, because in February they did not touch the allowance, because they had been paid the allowance at the beginning of the month and they had been paid the wages at the end. The first deduction is in March, that is 25% for people who are getting the higher rate of the allowance and 12.5% for people who are getting the lower rate. There will be three such deductions, so they will be left with 25% of the higher rate, or 73% of the lower rate, which will guarantee that the amount will be well above what they were getting before, which is what worried him.

1650

I have taken it into account and I have asked Miss Sacramento to make sure that the formula does not lead to what he was worried about.

1655 **Hon. J J Netto:** I am grateful for that particular information, but do I take it, just for my own satisfaction in my mind, that the whole process – because, obviously, I have seen a copy of the letter that has gone out to a recipient, that letter, and trying to match the content of that letter with the statement that he has just made, I seem to get the impression that what the Department may have done, is say ‘We are going to issue a letter to these particular disabled persons. Let’s get the file out, let’s see the details of the circumstances of that particular person and then we will act in accordance to the manner in which you have just described now.’

1660 But, of course, even in that particular process, there is also a concern in my mind, in the sense that when a person gets a Disability Allowance – the vast majority, with a very few exceptions – is when they are born. The Department collects all the medical certificates, all the information and then they take a determination whether the Disability Allowance is given or not given.

1665 That happens when the disabled child is born, but 15, 20, 25 years later, that particular disabled person is in the position of this particular person we are discussing right now, may find – and it is probably the case, given the nature of disabilities – that there may have been a deterioration of the condition or disability of the person, so what I am trying to match, if you like, is the file in the Department at the time when the disabled child was born may not match necessarily the circumstance of the disabled persons later on, 20 years later on.

1670 So could I now then ask the hon. Gentleman that, perhaps what is missing here is the possibility that, before issuing a letter, or even in issuing a letter to a disabled person, that at least the Department may say something to the effect of, say, however, if your circumstances have changed, please come along so that we can update our information, in case there are other circumstances that we need to take into account, just as I was saying before, in terms of equipment, maybe expensive services which may be expensive, I don’t know – things of that nature, generally speaking, to do with the necessities of disabled persons. I think that it would help both persons. It would help the Department to update the records, but it would also help the disabled person if he feels aggrieved that, perhaps, the conclusion or that decision has not taken into account any change or any worsening of disability of that person.

1675 Will the hon Member take that into account?

1680 **Hon. J J Bossano:** Yes Mr Speaker, I will certainly pass on his ideas and suggestions, so that the Department could see how they can give effect to what he thinks can be more helpful now. I am going to inform any suggestions that he has that there will be a benefit to those concerned.

1685 All I want to say is that, in fact, there are more than 16 people in the category – the 16 people were the people who are getting before either £450 because they were officially in a full time job or in full time training, as it was called then, or the £225 because they were supposedly working only 2 or 3 hours. So those are the 16, and those are the ones that are being replaced by either £912 or £456, which are the new rates.

1690 All that we have done is to make sure, following his intervention last time, that those people are not finishing up worse off, when we intended was to better them. But I take on board his additional suggestions and I will certainly pass them on to the Department.

Thank you.

1695 **Persons in receipt of Social Assistance
Detailed breakdown**

Clerk: Question 249 the Hon. J J Netto

1700 **Hon. J J Netto:** Mr Speaker, has the Minister for Social Security had the opportunity to ask his staff at the DSS to see if information with regard to persons receiving social assistance can be provided, broken down in groups of less than 3 months, 3 to 6, 6 to 12 months, 12 to 24 months, 2 to 10 years, sorry 2 to 10 years and over 10 years and if so can they be provided at the end of February 2012, if not then provide the information in the usual manner as before for the same dates.

1705 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the answer is ‘yes’, in terms that I have had the opportunity to ask the staff to see if they could do something about it, but I

1710 regret that the answer is ‘no’, in that the reply I have had is that they cannot, for the explanation that they gave the last time.

1715 They say that if they... when they can tell me the number of people there are today if I ask for the information today, but the way the information is kept does not show how long they have been there. I imagine that it would mean that, if there are 554 in January, the 554 files in January can be looked at individually and there will be something there since they are limiting themselves to providing the breakdown, or providing the answer, from the information that they have in this Excel spreadsheet: all that they are able to give me is that.

1720 I suppose I can ask them if they can find the time to do a manual check of the 500 people but I cannot see them doing it any other way: it is not available electronically. So, on that basis, all I can do is update the information I gave him on the last occasion and I now pass the relevant information which shows the figures in January and the figures in February.

Answer to Question 249 of 2012

Persons in receipt of social assistance by age and gender in 2012

Month	Age						Total	Male	Female
	Under 18	18/25	26/35	36/45	46/60	Over 60			
January	1	87	136	136	172	22	554	210	344
February	1	84	135	138	169	22	549	204	345

1725 **Hon. J J Netto:** Mr Speaker, I am grateful but, as the information comes across, I think that we both recognise the fact that it would have been very useful if the system would have allowed to extract that particular information.

1730 We both recognise, even we both admit – our knowledge of IT is quite limited – the fact that a Microsoft Excel programme is very limited by nature, by being able to get this particular information. It may be the fact that the kind of information that we want to extract from an Excel programme is not possible at all. But could I ask the Minister, perhaps, whether the Department will consider, I don’t know, investing some amount of money to have a database programme that may be able to extract this particular information without necessarily being disproportionate in the effect on the staff there? Will he consider that?

1735 **Hon. J J Bossano:** Well, frankly, Mr Speaker, my priority is to reduce the number of people in receipt of Social Assistance. I mean I am more interested in putting the effort into seeing what we can do, because I think we need to remember that something of the order of half the people here are considered to be employable. That is the information I have been given, right. In fact, something like a third of them register as unemployed, it is just that they have exhausted the thirteen weeks, so it may be that, if I am successful, as I hope I will be, in bringing this figure down, once it is smaller and we are then left with the people that are likely to be on Social Assistance for a number of reasons that make it very difficult to put into employment... I think we have got, for example... I think the hon. Member has got the figure of the age groups.

1740 I would say probably people that are getting Social Assistance over the age of 60, of whom there are only 22, would be people that may have been there a very long time and people that may not be... it may not be possible to put into employment. Clearly, those who are in the under 25 are the people who have probably come out of the labour market, exhausted the thirteen weeks and have not found a job. So those are the two extremes of the distribution of those on Social Assistance, and what I can promise him is that I will revisit this depending on how successful we are in bringing down.

1745 I think it would be a lengthy and complicated exercise with as many as 500 or 600 but I think if we had a smaller number we would probably be able to do what he wants.

1750 **Hon. J J Netto:** Yes, Mr Speaker, I think we both share the same objective, in the sense that, ultimately,

1755 what we want is to reduce, if possible, the number of people on Social Assistance and the other reason, in pursuing this particular question, is that, if we have the tools available to be able to examine this in more detail, then our minds can be focused more attentively as to why a particular group of people and certain ages may be finding difficulties in getting employment because they may have other circumstances which impedes them employment. He used the phrase 'unemployable' –

1760 **Hon. J J Bossano:** I used the opposite.

Hon. J J Netto: 'The opposite', which is not a phrase which I particularly like using at all.

Hon. J J Bossano: 'No, employable', I said.

1765 **Hon. J J Netto:** 'Employable' you used... I'm sorry, I misunderstood you, then.

I think there may be some people in very, very severe circumstances not being able to find employment, but I am sure, to some degree or other, some people could be trained to some type of employment, even if it may be supported employment of some kind.

1770 But, anyway, that is a discussion of a different order, and I am grateful that, at the end of the day, the Minister will take it back because, obviously, it is useful for the Government and it is useful for everyone.

Thank you very much.

1775 **Gibraltarians registered unemployed
Numbers aged 60-64 and 65 and above**

Clerk: Question 250, the Hon. J J Netto.

1780 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment state the number of Gibraltarians registered unemployed between the ages of 60 to 64, and 65 and over, broken down in periods of unemployment of up to 1 year, 2 years, 5 years, and 10 years or more?

1785 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of Gibraltarians 65 years and over registered unemployed is one. That one person has been up to one year registered.

1790 The number of Gibraltarians in the age range 60 to 64 registered unemployed up to one year, 10; up to two years, 10; up to five years, 10; and in excess of 10 years, 12.

1795 **Gibraltar Development Corporation
Board meetings held since General Election**

Clerk: Question 251, the Hon. D A Feetham.

1800 **Hon. D A Feetham:** Can the Minister for Employment state how many times the Board of the Gibraltar Development Corporation has met since the General Election?

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

1805 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The number is none, Mr Speaker.

Clerk: Question 252, the Hon. D A Feetham.

1810 **Hon. J J Netto:** Mr Speaker, could I ask a supplementary question to the question before?
Could the Hon. Minister say who are the members of the Board, please?

Hon. J J Bossano: I believe the information is published and I am told there is another question dealing with this. (**Hon. J J Netto:** Sorry?) I believe there is another question on this, (*Interjection*) but it is published, anyway – the information is public.

1815

**Future Job Strategy
Civil Service placements**

1820 **Clerk:** Question 252, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any trainees under the Future Job Strategy scheme have been placed in Civil Service Departments to undertake their training or part of their training?

1825

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker.

1830 **Hon. D A Feetham:** How many, please?

Hon. J J Bossano: The number in Government Departments is 34 and in Agencies and Authorities is 41, making a total of 75.

1835 **Hon. D A Feetham:** Do these trainees satisfy minimum entry requirements for the Civil Service, those that have been placed in Government Departments and do the others that have been placed in Agencies satisfy minimum entry requirements to those Agencies?

1840 **Hon. J J Bossano:** Well, Mr Speaker, the bulk of the people are in the Departments and in the Agencies, where there under the previous VTS schemes so, out of the total, only 14 are people who come in in February as a result of the system that was introduced on 1st February.

The rest are people – the other 61 – that were there already. I do not know whether they used to have to have the requirements for joining the Civil Service, but the training that they are getting, and the training that they have been getting, was not on the basis that there would be a Civil Service job at the end of it.

1845

So that is the answer.

Hon. J J Netto: Could I ask the Hon. Minister for Employment what training has been given to these particular persons?

1850 **Hon. J J Bossano:** The nature of the training that is being given depends on the area... for example, there are two or three people who are with GBC, who were with GBC since before the last election. Whatever it is that they were being trained to do before the last election is what they are being trained to do now!

1855 These people, in many instances, the feedback that we are getting is that the Departments, or even in the private sector, they were taken on because they were asked to take them on, on the basis that the experience that they were getting in doing administrative work, or whatever it was, would improve their prospects of employment – not that they were being trained on the basis that GBC had three vacancies and was going to take the three trainees. That is not the case and it was not the case before.

1860 One of the things that is going to be happening, of course, is that to the extent... Remember that the bulk of the people that we have got in the Employment Training Company are the people who were previously in Bleak House, and shown as employees of Bleak House, deployed elsewhere.

To the extent that the people have been deployed in a place where the employer in the private sector is telling us, 'Well, look, really, I have got nothing for this person here – I thought I was doing the Government

1865 a favour, instead of the other way round' then what we are trying to do is put them in the public sector so that at least they are learning something and we are actually achieving some return on the money we are investing in their training. I think it is training that will stand them in good stead.

1870 Therefore, that process is driven by people in the Department saying, look, I have got a backlog... for example, of... If I give a concrete example, so that the hon. Member will then get an idea of what this is about. The Social Security people have got a problem every time we have a number of people in the construction industry who have been laid off who are frontier workers, as happened recently. Those people who turned up asking for some EU paper that enables them, on the other side, to get paid unemployment benefit as a result of their employment record in Gibraltar, the Department has a problem in meeting that, and people obviously get very uptight, so they are saying, 'Is it possible to give me a trainee to help me clear this backlog to stop all these people queuing up here complaining?'

1875 That kind of training is an *ad hoc* training and it is being done because we do not want to terminate the people that were already there. Therefore, the people who were already in the VTS will, if the scheme works as I want it to work, eventually finish up in doing dedicated training for a dedicated job. But I think the fact that they have been working, there were some half a dozen in the Tax Office, for example, who are still there; but it does not mean that there are six vacancies in the Tax Office that these people are going to fill and it was never the case.

1880 I do not know, for example, in respect of the original thing, where the fact that the VTS people from Bleak House placed them in the Tax Office meant that only the ones who had five GCSEs could go there. That I do not know.

1885 **Hon. P R Caruana:** Mr Speaker, clearly, whether it is work experience or training, it is better than doing nothing and I agree with the hon. Member that if the Government wants to encourage the private sector employers to support training programmes then the Government has got to be willing to participate as an employer and not exclude itself.

1890 All that said, this was something that concerned us at the time when people started to be placed in Government Departments. Would the hon. Member acknowledge that there is a danger of and, therefore, will he agree to keep an eye on, the fact that if the Government is not careful about this it ends up as an informal preferential recruitment channel into the Civil Service generally, because if you have been a trainee – a 'placee', let's call them – for a number of years, you then have a huge advantage over other applicants, when there are vacancies in the Civil Service.

1895 It is a very thin line between providing worthwhile training placements from which to do the public sector benefits, as well as the training on the one hand, and care needs to be taken that this does not become the equivalent of the housing pre-list and that, therefore, the people that have been doing this are obviously going to be more attractive candidates. Therefore, people who are not placed in the public service and are placed in the private sector see themselves at a disadvantage when public sector jobs come up – and no-one will want to accept a placement in the private sector. It just needs to be kept an eye on, I would ask him to consider, so that it does not acquire that folkloric, or worse, real significance.

1900 **Hon. J J Bossano:** Yes, I do agree that we need to be careful that that does not happen.

1905 I have to tell him, Mr Speaker, that we do not expect that, beyond this year, we shall be having those kinds of numbers. It is just that there are two elements in this: one is that the ones that were already in the public sector are in the public sector because of not being able to move them to the private sector. Given that the ones that were in the private sector are now getting £912, in some cases the employer said, 'Look, really, you can take this person tomorrow, because I really have not got that much for him to do'. I remember one particular case – I do not know whether I have mentioned it to the House – the guy said, 'Look, the only training I have been able to give is to put these people to shredding, and now I have got nothing left to shred!'

1910 So we are likely to see, I think, over the next few months, probably an increase of those in the public sector, simply because they have been shifted from the private sector, with the expectation that the move will be in the opposite direction at a later stage, because we do not want to terminate the VTS unit. I think it will be wrong to terminate it for the VTS people who are already there in January and to be taking people away who are not there in January.

1915 So the answer to his question is that I agree entirely with the analysis that he has made. In fact, to the extent that we use the public sector, we would use them on specific targeted work which has got a beginning and an end, and therefore not on a long running basis.

1920 **Hon. D A Feetham:** Can he help us with this: how many of these 75 trainees are actually undertaking any form of structured training? That is the question that I asked. It was about *training*; it was not about work experience as such.

1925 I am aware, in relation to a number of authorities, there were people who were placed on the VTS scheme, where really it amounted to work experience. But I am talking about *training*. I am just focusing on Government Departments. How many people in Government Departments are actually doing formal training, under the Future Job Strategy?

Hon. J J Bossano: Well, I think there were some people who were doing some business NVQ and those people were probably in the Treasury or the Tax Office and they probably are no more than half a dozen.

1930 But nothing has been changed in terms of what they are doing, other than the amount that they get paid. So, of the 61 that were already there, to the extent that any structured training was taking place before, it is still taking place. The answer is that I do not know to what extent. I think it is more a question of the training being that in their CV they can say we have worked in the Treasury or in the Accountant General's Department, or in the Tax Office or in the Tourist Office – they are spread all over the place.

1935 Except for those who may require sheltered employment and who have been there for a very long time, I think the rest, really, are there simply because it gives them an opportunity to work in an office environment. If we get a vacancy coming in that says, 'I want a receptionist', then we can say we have got a receptionist here that has been doing reception work in three different Government Departments, and therefore they have got the experience that they can go tomorrow into an office and start acting as a receptionist straightaway. I think it is no more than that.

1940 **Hon. D A Feetham:** Yes, I am not sure you need any specific training to do shredding or I do not know whether you need any specific training to be a receptionist. I really do not know.

1945 But was not the whole point of the Future Job Strategy to train people for a full time job in areas that were relevant to that full time job, with a guarantee of a full-time job at the end of it? Does he not accept that the way that these trainees are being dealt with is not in accordance with their stated policy and stated aim in accordance with the Future Job Strategy?

1950 **Hon. J J Bossano:** Mr Speaker, I accept that the stated policy that we have is not what they were doing before, with the 300 or 400 people. What I am telling him is that the bulk of the people who are there are not there because we believe that is what is ideal; they are there because that is where we found them 'parked' when we arrived!

1955 As we move them into the new system – for example, I can tell the hon. Member that there was a particular company that came to see me, in terms of the investment that they were planning to do and their requirements and their willingness to take on trainees and guarantee them employment. In that case, we were able to provide, from the people that were in the VTS, 10 people who were, in fact, university graduates. They were looking for university graduates.

So out of the 10 that we have, who were getting £450 and were spread in different Government Departments, eight were taken by this particular employer. That is what we hope will be happening with all of them – but it is not happening yet.

1960 **Hon. D A Feetham:** Yes, I understand that your policy is different from ours. I accept that, but I am here to question you on your policy.

1965 What you have effectively done is you have effectively added to the numbers that are working within Government Departments by 14. Can I ask the hon. Member, where is the guarantee of a job at the end of that?

Hon. J J Bossano: Well, I will tell the hon. Member: the answer to that is that the 14 that are in the scheme that are in the Government Departments – and there are going to be more of them – are the people who, under the policy that *he* had when he was in Government, he had placed in the private sector with no job guarantee.

1970 I wish I had been able to give 400 job guarantees the first day I arrived in office! Regrettably, it is not possible to do that, but I can guarantee him that the intention is that they will *all – all*, without exception – finish up in secure jobs at the end of proper training. That is what we are going to do, that is what we are

starting to do, and that is not what has yet been completed. But it will certainly be completed.

1975

Hon. D A Feetham: Mr Speaker, when it starts getting a little bit controversial, it is almost as if the thought process of the hon. Member when he answers my questions is, 'That is a very good question. Now, let's see whether I can evade it'! That really is the way that the hon. Gentleman approaches the questions.

1980

Now, we certainly were never going to guarantee people jobs, because it is not *possible* to guarantee people jobs. That is our view! The hon. Members opposite, in their manifesto, said:

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

1985

Does he not accept that he was conning the electorate, when he made that commitment? (*Applause and interjection*)

1990

Hon. J J Bossano: Mr Speaker, the answer to that is the answer I gave him when he asked me a month ago: I accept that he is the expert in conning people, but I do not accept that he has got it right on *this* occasion. Therefore I reject his accusation and time will tell whether I was conning people before 8th December or he is trying to con them now! Time will tell who is right and who is wrong.

1995

Hon. D A Feetham: Just one final supplementary on this subject.
If you cannot find a job for these people – a permanent job for these trainees – will you undertake to this House to make good on your electoral promise and actually employ these people within the public service in a Government-owned company? (*Interjection*)

2000

Hon. J J Bossano: Mr Speaker, I do not accept that I am going to fail, and therefore I do not accept that I have to give him any undertakings.

2005

Hon. J J Netto: Can I ask one further supplementary question?
In relation to the 75 trainees – well, if you can call them trainees – which are now being seconded in the Civil Service, how long will be the period for secondment within the Civil Service for these 75?

2010

Hon. J J Bossano: They are not being seconded to the Civil Service, in the sense that – (*Interjection by Hon. J J Netto*) As I have told the hon. Member in my original answer, Mr Speaker, 61 of them were already there and 14 have entered new. They will be there until we have got a job for them in the private sector. We are not going to be sacking anybody from the Employment Company until we have got jobs for them.

2015

Hon. J J Netto: Therefore, there is no prospect of some of them not getting a job in the private sector? They will remain placed in the Civil Service?

2020

Hon. J J Bossano: All these questions, Mr Speaker, are driven by the assumption that we are going to fail in achieving the targets we have set. (*Interjections*) So the answer to the hon. Member is – (*Interjections*)

No, Mr Speaker, if every question assumes that if I set out to employ 50 people in a month, and I employ 49, what will I do with number 50? Well, the answer is that if I set out to employ everybody, then I assume that I am going to succeed, and if I do not succeed, then I will find a way of protecting them and ensuring they are continuing to be having an income. I will not do what was happening before, which is give people £450 a month for six or seven months – or two or three years – and then *sack* them, only that they could not say 'I have been sacked', because they were not employees....

2025

When they went to complain to an industrial tribunal, the previous administration argued in the tribunal that they had no protection in law because, in fact, they were... the tribunal did not have the jurisdiction to hear the case.

So the answer is that we are not going to be finding ourselves in that situation and we will not have the protection that they gave themselves when they did.

2030 **Hon. D A Feetham:** Is the position, then, that the Hon... is the position of the hon. Member this: that if you cannot engage these people in permanent employment in the private sector, they will remain in permanent training mode for the rest of their lives? Is that the position?

2035 **Hon. J J Bossano:** No, the position of this Member is, Mr Speaker, as far as I am concerned I am not going to speculate about what will happen in the future on the assumption that I fail to achieve the targets I have set myself – which they would like me to, but I am not either going to give them that satisfaction, now or in the future.

2040 **Future Job Strategy
Adult Nursing Diploma trainees**

Clerk: Question 253, the Hon. D A Feetham.

2045 **Hon. D A Feetham:** Can the Minister for Employment state why the new arrangements in relation to the Future Job Strategy have not been extended to those people undertaking the adult nursing diploma?

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

2050 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as already stated in answer to Question 17/2012, the Future Job Strategy *is* being extended to those people undertaking the adult nursing diploma, once it is established if this is a more favourable option for them than what they are currently getting, or what they are in the process of getting.

2055 **Hon. D A Feetham:** Well, Mr Speaker, we certainly know of cases of people undertaking the nursing, adult nursing diploma, where they are still earning £400-and-something. Why is it that these people are not earning the £912 that everybody else is earning and that, effectively, as he has recognised, firstly, in his answer just a few moments ago, that he said in January was going to happen to these people?

2060 **Hon. J J Bossano:** Well, Mr Speaker, I don't know of those people that he says he knows. If he tells me who they are, I will make sure that they get paid and that they get paid retrospectively. That's all I can tell you. I don't actually monitor each individual myself. I assume that the people who are providing me with the information have done their homework correctly.

2065 I can tell him that what they tell me is that there are some categories of people in adult training who would be getting a bursary or something from the Education Department, clearly not the £450 – a much higher sum – and that those people might actually be worse off, very much like what was happening when the hon. Member asked me about the people on the sheltered employment. So, we want to avoid giving people the £912 and then finding out that their net take home pay is less than what they would have got if they are getting a grant which, apparently, some of them are getting because of some relationship with Kingston. I think these are people who are possibly doing a level of qualification.

2070 There are two issues: one is whether Kingston would consider still being responsible for granting them the qualifications on the basis that they are employees, as opposed to students, which is more of a technicality. And the second one is the monetary effect. The answer is that nobody should be getting £450 any more, and should not have been getting it since 1st February. If the hon. Member passes me the details of those that he knows, I will make sure that it is put right.

2075 **Hon. E J Reyes:** Yes, Mr Speaker, may I add, I am told by the representatives of these students undertaking the adult course that they have requested a meeting or think, apparently, they are expecting an answer back from your colleague, the Minister for Health, and we have come to this House six weeks after the new sort of rate, or allowances, should have been payable to them and they are none the wiser because the Minister has not, apparently, been able to reply to them.

2080 **Hon. Dr. J E Cortes:** Mr Speaker, the students in question wrote to me and asked me for a meeting and I

2085 am seeing people very very soon, and I am waiting to see them. Issues will not necessarily be purely on the question of remuneration, there could be other issues that they want to discuss with me and I am very keen to discuss it with them. I don't think this is relevant to the question that my colleague has answered.

2090 There are issues, as my colleague has rightly said, a lot of them are students of Kingston University, and therefore there is a technicality as to whether that is consistent with them being in full-time employment and certainly because they receive a grant which is tax free, the sums have to guarantee that, as my colleague has said, their income is not reduced once they get the nine hundred and something, which will be taxable and so on. So this is something that we are looking at but, again, as the Hon Minister for Employment has said in no way will these students be prejudiced, and I will add my own personal guarantee to that of my colleague.

Clerk: Question –

2095 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes, Mr Speaker, but it is not, the Hon Minister said that he is waiting to see them. I think from the students point of view it is that *they* are waiting to see the Minister, not the other way around.

2100 **Hon. Dr. J E Cortes:** Mr Speaker, I must... Sorry, Mr Speaker, I have seen hundreds of people till all hours of the evening and I am glad to do so because I actually enjoy doing it. The suggestion that has been made, that there is any kind of delay in my seeing anyone who wants to see me is preposterous and I am sure there are lots of people out there who will agree with that. If they want to see me they will see me as soon as I have... as soon as they want.

2105 The question is that these are issues that have been dealt with, they have requested to see me and I immediately replied that I would be glad to do so and, for all I know, it is in my diary already, but there is absolutely... I completely reject any suggestion that there is any problem with seeing me at all. People see me more... I have probably seen more people in the last 3 months than my predecessors had seen probably in a year. (**Several Members:** Hear, Hear) (*Applause*)

2110 **Hon. E J Reyes:** It still does not tackle the issue, Mr Speaker. These individuals, like those on the Vocational Training Scheme, were getting £450 a month. If it has become beneficial for those on the training scheme to move away from the tax free £450 into a new £912, taxable, then surely logic tells you it will also be beneficial for these individuals.

2115 **Hon. Dr J E Cortes:** Mr Speaker, whatever is beneficial is what is going to happen.

Mr Speaker: The Hon. Danny Feetham.

2120

**Gibraltar General Construction Ltd
Employment status of sacked workers**

2125 **Clerk:** Question 254, the Hon. D A Feetham

Hon D A Feetham: Can the Minister for Employment state how many of the 14 resident workers sacked by Gibraltar General Construction Limited, a Government owned company, are now back in employment?

2130 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer this Question, together with 255 and 256.

2135

**Construction sector
Update on job losses**

2140

Clerk: Question 255

Hon D A Feetham: Can the Minister for Employment state how many workers have lost their jobs in the construction sector since the answer to Question numbers 15 and 16 of 2012?

2145

**Construction sector
Employment status of sacked workers**

2150

Clerk: Question 256.

Hon. D A Feetham: Can the Minister for Employment state how many of the 31 resident workers identified by him as having been sacked by private construction companies in answer to Question number 16/2012, have now found employment?

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

Hon. J J Bossano: Mr Speaker, three of the 14 persons have since been employed. The employment service records show that, since the answer to Questions 15 and 16/2012, the terminations of 287 contracts of employment in respect of the construction industry have been notified by employers. Six of the 31 resident workers given in the previous answer have now found employment.

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Hon. D A Feetham: Just repeat the last part I didn't quite catch that.

2165

Hon. J J Bossano: Yes, 6 of the 31. *[There was a long silence.]*

Hon. D A Feetham: Do these figures include the redundancies made yesterday by Volker Stevin?

2170

Hon J J Bossano: No, these figures are based on the notifications up to Friday.

Hon. D A Feetham: Mr Speaker, we accept that it is entirely right... that it is within the prerogative of the hon. Members opposite not to have continued with GSD construction projects. We also accept, obviously, that it is their prerogative to channel resources into their own projects, but does he not accept that the sudden ceasing of work on Government projects, at the end of last year/beginning of this year, is actually causing significant unemployment within the construction sector, is also placing construction companies in severe difficulties, and is also placing companies who depend on the construction sector into severe difficulty? Does he not accept that?

2175

Hon. J J Bossano: Well, I do not accept any of the conclusions that the hon. Member has reached from the answers that I have given him.

2180

Hon. D A Feetham: Well, you may recall that when we were in Government – sorry, administration, I don't want to offend the Chief Minister – we came out, *(Interjection)* we came out with a policy in relation to the construction sector, whereby we were spreading the workload around public projects, spreading the workload around amongst construction companies, on condition that those companies then employ residents of Gibraltar from the unemployment, the long-term unemployment, list, or the unemployment list. What measures is the Government doing in order, or what measures is the Government proposing, in order to help construction companies and those operating within the construction sector?

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2190

Hon. J J Bossano: Well, Mr Speaker, what is happening, in that respect, is that that policy which was announced in the budget – and which I welcomed from the Opposition – is being continued and expanded and

2195 monitored to a greater degree than it was before. We are now trying to make sure that, in fact, what was intended is happening, which I don't think was happening to a very large extent. In fact, you know from the breakdown by nationality of the people in these contracts, there were very, very few residents in many cases.

2200 **Hon. D A Feetham:** Does he lose any sleep at night, bearing in mind that he is the Minister for Employment that has actually presided over 250 redundancies up to January and now a further 287 redundancies of workers within this particular sector?

Hon. J J Bossano: Mr Speaker, if I did I would have to lose less sleep than Mr Montiel because, in fact, in January and February last year the level of redundancies in the construction sector was 100 more than in January and February this year.

2205 **Hon. D A Feetham:** What is he doing... are there any specific measures that he is taking, other than a continuation of our policy?

2210 Quite frankly, bearing in mind that I have not seen any new projects that have been commenced by the hon. Members opposite, I do not see how that could have contributed in taking people off the unemployment list, but what extra measures is he, what different measures, is he taking in order to deal with these high levels of unemployment within the construction sector?

2215 **Hon. J J Bossano:** Well, obviously, the hon. Member, Mr Speaker, does not understand very much of the subject matter for which he is now responsible, because the unemployment that is going up is the unemployment in the Campo area, where 90% of these workers came from. That is to say, if we look at the actual figures of the people that are unemployed...

2220 For example, in one of his questions I have told him that three of the 14 have now found jobs. And I can tell him, because the number is small enough to be able to look at it in more detail that, in fact, four of the remaining 11 are unemployed and seven have not registered as looking for work. So he must not assume that every time there is a notification of a termination it means that there is a person registered as unemployed. As his colleague will tell him, what he used to tell me when I used to make that kind of mistake, that is to say, these are notices of termination received by the Department.

2225 The person whose employment has been terminated can register as unemployed if he is registered as having been employed with a Gibraltar address. Sometimes they do not appear, which suggests that perhaps the Gibraltar address was not a Gibraltar address after all. Those that do are a small proportion of the total. The advantage is that, with the scheme that they initiated and I am, in fact, expanding on, the priority will go to those who are here and have registered and not to those who have disappeared over the horizon.

2230 So, in effect, what is taking place now is that we will be seeing the effect of these changes. There were quite a lot of terminations, in fact, in October and November last year, which are in excess of the terminations that have taken place in January and February and they were because projects were coming to an end.

2235 So it is not that the size of the construction industry was growing until 8th December and started coming down on the 9th. That is not the correct interpretation of the information I am providing him with, if he cares to analyse it.

2240 The fact that there are terminations means that the notices have arrived telling us 'this person is no longer working for me'. It does not necessarily mean that the date of termination and the date of the arrival of the notice, you know... I do not know how long Volker Stevin will take to tell us that they have terminated contracts, but I can tell him that very few people actually keep to the seven days that the law says they should do it in and, as we know from previous discussions of speakers in the House, in some cases even the public sector. Last year we found it was months behind and there were people on the records of ETB who were no longer working there.

2245 So the answer is the level of unemployment amongst construction workers is not going up by anything that would reflect the level of reduction in employment levels that we are seeing, which are no different from what has been happening in the past in terms of the total figures. The total figures for October and November are higher than January and February this year. The total figures for January and February last year was that the figure in January was lower than this year but the figure in February was higher and, for the two months, a hundred more construction workers lost their jobs or were 'sacked', in his terminology, in the two months of last year compared to the two months of this year. So, in fact, less people are losing their jobs in these two months.

2250 Thirdly, within the machinery, within the staffing of the Employment Service, I had long ago an officer who was previously in the Construction Industry Training Centre whose job now is to identify the pool of construction workers amongst the unemployed or amongst people seeking employment who are interested in working in that industry. The whole idea is that, independent of the normal process of people being sent to jobs, if it is a construction job it goes to this person who has got a lot of experience of construction and can, therefore, do a better job in making sure that the people we send to the employer are people that the employer is more likely to accept. I think there was a tendency to send a lot of people and a lot of them were then sent back and the Employment Service said, 'Well, look, you are sending me people that cannot handle work on a building site.'

2255 We are hoping that, with the new addition to the Employment Service in the month of February, we will be seeing an improvement in the take-up of construction workers from the pool of skills we have resident in Gibraltar, but it is early days because we only started doing this at the end of February.

2260

Hon. D A Feetham: Yes, Mr Speaker, but there is a world of difference to a situation last year, where notices of termination were coming in but, in actual fact, employment within the construction industry in general was actually increasing because of the number of projects that were being undertaken, particularly in the public sector.

2265 What we face, what we now have, is a situation since *they* were elected into Government, whereby not only are we having very high levels of terminations of employment within the construction sector, but there are no jobs that are being created in this sector because you have *frozen* the Government projects that were a continuation of the projects that we were undertaking when we were in Government, and because you have also decreased the budget for GJBS from £6 million to £2 million.

2270 But, can he help me with this: out of the 287 notices of redundancies, how many of those are residents of Gibraltar?

Hon. J J Bossano: According to the returns from the employers, 60.

2275 Can I just say, Mr Speaker, in answer to all his preliminaries, first of all, I do not know where he gets the information that we would reduce £6 million from the budget of GJBS. GJBS does not have a budget that is reduced or increased. They do work for the Government. I can tell him, certainly, that the level of the construction industry of which he is so proud last year was on the basis that the Government spending, and the spending of Government companies, in projects done by the construction industry last year was of the order of £220 million.

2280 Four years ago, after the 2000 Election, the I & D Fund was running at £30 million or £40 million a year and it went from £40 million to £220 million. Does he really think that Gibraltar can spend £220 million indefinitely?

2285 **Hon. D A Feetham:** No, I don't. No, I don't, actually. I don't think that. But if you bothered to listen to my original question, I do not dispute the fact that that could not have continued on indefinitely. Nor do I dispute that it is your prerogative to plough the money into whatever projects you want. Nor do I dispute that you have got the prerogative to actually stop projects.

2290 What I *am* saying is – and I am putting it to you – that the way you have dealt with this, the way that you have just simply put a stop to all these projects, that that has had a knock-on very severe effect on this particular sector and that is the reason why we are seeing all these notices of redundancies which are not being also replaced within the sector.

2295 But just coming to another supplementary, which is unrelated to that, out of the 287 there are 60 and, leftover from the figures that he gave me in January, are 36 residents who have not been employed. Does he not accept and agree with me that that is an unacceptably high level of unemployment in this particular sector of resident workers?

Hon. J J Bossano: Mr Speaker, I have to repeat that either the hon. Member does not understand, or he does not care, what answers he gets and continues saying the same thing.

2300 I have told him, as an example, that of the 14 that were originally terminated, only seven have emerged as seeking employment. Fifty per cent of the 14 have simply 'disappeared'. Of the remaining seven, four are registered as unemployed and three have been employed. I have no idea how many of the 60 that we have been told by employers... Remember that what we are relying on here is a termination of employment which

2305 says that company A has terminated the employment of 20 workers. We then look at the 20 workers, and when I say 'we', I mean the people that are employed in the service, look at the 20 workers to prepare this answer for me and they prepare a supplementary in case you wanted to know how many were residents, on the basis that I assumed he would ask me that supplementary...

The answer is that they found that, of the 10, the employer claims that three have a Gibraltar address. What we have found is that, in fact, the Gibraltar address may be just that... the Gibraltar address, but not that the unemployment is going up by the numbers of people that one would anticipate from the terminations.

2310 To my knowledge, this is not a new phenomenon. They tell me that this is, in fact, something that is not abnormal and that, therefore, the fact that there are 200 people who lose their jobs, of whom 150 have got addresses in Spain and 50 have got addresses here, does not mean that over 50 that have got addresses here were actually living here and not that they were using other services, which required the Gibraltar address – because, in fact, the Employment Service does not actually go out and check that people are living where they say they are.

Hon. D A Feetham: With respect to the hon. Gentleman, he appears to be giving us all the excuses that he was criticising Mr Montiel, when he was on the benches opposite, was actually giving him explanations about unemployment figures, because what you appear to be saying in relation to the seven is this: these seven do not want employment and that is why they have not registered themselves in the ETB. So, by definition, what you have is people who do not want to work and when Mr Montiel used to make that precise point to him, he used to say, 'Well, hang on a minute. How could you possibly say that? These poor people.'

2325 What is he doing in relation to those seven? Is his Department, for example, making enquiries as to whether those seven have just simply dropped out of, or have not registered, with the ETB? Because, for example, they may be depressed at the fact that they have lost their job or because the ETB is not listening to them, when they have perhaps gone back and attempted to sign on. Have you made any efforts in relation to those seven because you certainly criticised Mr Montiel when he gave the same answers to you?

2330 **Hon. J J Bossano:** Mr Speaker, Mr Montiel did not give the same answer to me because he did not give me the level of information I am giving the hon. Member opposite and, therefore, I could not ask the supplementaries that he is asking.

2335 Mr Montiel used to say about people not being interested in working, of the people who were registered... At no stage did Mr Montiel, or anybody else in the last 15 years, tell this House how many of the people who were losing their jobs in fact did not surface as seeking employment.

If the people that have terminated the employment and are entitled to come and register and collect unemployment benefit, having done it, I do not believe that it is because they are suffering from depression. I think a more probable explanation is that they are, probably, having finished work and knowing that they have got six months in which to register, going back home to Morocco, where they came from.

2340 So, in fact, it is a fairly normal pattern that many Moroccans, who are entitled to 13-week unemployment benefit within 26 weeks, do not register and claim it immediately. So, in the case of the four, that seems to me a more logical explanation, but I have not sent anybody with a search party to try and hunt them down.

2345

**Future Job Strategy
Employment Training Company Ltd expenses**

Clerk: Question 257, the Hon. D A Feetham.

2350

Hon. D A Feetham: Can the Minister for Employment state, since the last session of Parliament, how many employers have signed contracts under the Future Job Strategy, agreeing to refund the expenses incurred by Employment Training Company Limited in training that individual if he or she is not employed at the end of his training?

2355

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Five employers, as at the end

of February.

2360 **Hon. D A Feetham:** Five employers in relation to five trainees?

Hon. J J Bossano: That is correct. In nearly all the cases the employers have just one trainee here.

2365 **Hon. D A Feetham:** There are 450 people, trainees, that are within the Future Job Strategy scheme and I think, in answer to questions in January, he said that he wanted to increase the numbers to 800 / 900 during the course of the next financial year.

Does he not accept that, in the light of the very low numbers of employers that have signed these contracts, he is not able to guarantee these people jobs, as he promised in his manifesto?

2370 **Hon. J J Bossano:** Well, Mr Speaker, the supplementary is the one that precedes the one about am I 'conning' them, so the answer to this supplementary is the answer that I gave to the previous supplementaries on the same subject.

2375 All I can tell him is that, in all these cases, we are dealing with people that were not initially expecting to be asked to give the jobs. That should not happen with the new ones that come into the scheme as we progress. The second thing is that, of course, he will see that his fears that everybody would sign because the commitment was not worth the paper it was written on does not seem to be shared by the employers, who do not seem to be so happy to sign as he thought they would be.

2380 **Hon. D A Feetham:** Well, I have to say that if he judges a victory by the five employers that he has managed to persuade to sign his contracts, the Future Job Strategy as a concept is worse than I thought.

But what happens, Mr Speaker, what happens, in a situation where somebody, as there must be situations like that, of trainees that are already working with employers, that have been placed with employers, and those employers do not sign these contracts? What happens to *that* trainee in *that* placement?

2385 **Hon. J J Bossano:** Before I answer that question, Mr Speaker, that remark about the victory: I haven't said anything about any victory. What I was saying was that when he gave me what he described as friendly advice, and told me that I should insist not just that they give them a job, but that they have to sign for one year, it must be because his judgement was that they would all be willing to sign if there was no year, but that the year would make it more enforceable. I would, by his analysis, if I had followed his advice, it is possible
2390 that nobody would have signed, in which case he would have been able to accuse me of an even greater failure. So maybe that was what he was really after, and not friendly advice at all. (*Laughter*)

2395 Secondly, Mr Speaker, the position is that the trainees that are there are still the ones in February. The ETCL ones that have come in since are the ones that only completed... they came in during the month of February. Their one month is still not up and, therefore, and even some of the people, for example, of the original 70 that I identified, who said they were willing to sign the agreement, five have done so by 29th February. We hope that more will, but if it doesn't, what will happen will be that we will remove the trainee from them and put them with somebody else.

2400 **Hon. D A Feetham:** Yes, because, does he not agree with me that, if he were to do otherwise, it would not be fair on the employers, the five employers, that have signed contracts?

Hon. J J Bossano: Precisely, yes. Of course, it would not be fair.

2405 **Hon. D A Feetham:** And he is still satisfied, even in the light of that, that he is going to be able to not only produce contracts of employment for 450 trainees but also for the 800/900, which is the number that he expects this to grow to during the next financial year?

2410 **Hon. J J Bossano:** Mr Speaker, when the hon. Member has an opportunity to look at the Estimates of Expenditure for the forthcoming financial year he will see that reflected.

Mr Speaker: Would this be a convenient moment for our 10-minute recess?
This house is recessed for 10 minutes

2415 **Hon. Chief Minister:** Mr Speaker, only with this caveat, that it is my intention that the House should rise at 12.30, so if that is...

Mr Speaker: I will survive for 20 minutes.

2420 **Hon. Chief Minister:** Very much obliged, Mr Speaker

**Future Job Strategy
Government placements**

2425 **Clerk:** Question 258, the Hon. D A Feetham.

2430 **Hon. D A Feetham:** Is the Minister for Employment in a position to state whether any trainee under the Future Job Strategy is being placed in a post, or used to cover anyone on maternity leave, in any Government Department, Authority or company?

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

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

2435 **Hon. D A Feetham:** Well, Mr Speaker, I know of at least one.

Does he not agree with me on this, that the use of Future Job Strategy trainees to cover maternity leave would be wrong and also would not be supported by the Government?

2440 **Hon. J J Bossano:** Well, Mr Speaker, the one that he knows about is the one that he mentioned in the last meeting of the House. We identified the individual, and the individual told us that her preferred option was to be in the job strategy, so we have kept her there at her request. I mean I was not going to take her off it simply because the hon. Member thought it was not a good idea. So I do not understand. Certainly it is, the ETB is not sending people to cover maternity leave.

2445 If the Health Authority use this person that they intended to use anyway, having asked her before this scheme was in place, having asked an employment agency to send them somebody, the employment agency opened the vacancy in the ETB, the ETB sends somebody to the employment agency, the employment agency sends him to the Health Authority, who then pays the employee and the agency – and we selected this same person and send them to the Health Authority. So the Health Authority received the same person from two sources.

2450 I did not know this until the hon. Member brought it to my attention the last time. I told him I would investigate. Having investigated – I have not spoken to the person myself and I do not know who she is – I got somebody from the Department, and they came back and told me that they have told her that she was able to leave the employment company, join the GHA as a supply maternity cover and she chose not to do that. She said she preferred to stay with the company and not do that. So we have not changed her because, you know... I am grateful to the hon. Member who brought this anomaly up, for to my attention, but I hope he

2455 accepts that we are not going to force her to go down the route that she does not want to go.

Hon. D A Feetham: No, absolutely, if we are talking about the same person absolutely not.

2460 But is the answer, then, to my question, which was not about the individual itself, that the Government would not support the use of Future Job Strategy trainees to cover maternity leave within any Government Department, Authority or company?

Hon. J J Bossano: Well, I cannot say that the Government would support or not support it.

2465 It is certainly not from the Employment Service: we are not providing maternity cover from the Employment Service, as such. That is not our role. If, in fact, somebody in some Department says, 'Well, I would like to have somebody sent as a trainee because I have got a lot of work to do,' I mean, it so happens that there is somebody on maternity there, before, during or after, and they do not take somebody to cover the

maternity, in many of these areas... the complement is supposed to contain cover, in some cases.

2470 In budgets there is money to bring in somebody to cover maternity and, in other cases, in budgets there is no provision, so you cannot say in all cases there is an automatic amount of money that says, well, the complement of the place is built in on the premise that, on average, there will be so much sick leave, so much annual leave and so many maternity. Or there is a budget for temporary cover which, some people have it...
2475 In the Health Authority they have it and this is why the Health Authority was going to use the temporary cover provision which, last year, the Government moved to the Treasury because it was getting out of control. I think that was the explanation that was given to me by the Leader of the Opposition at the time in the budget when he... the temporary relief cover that was taken away from the Health Authority because it was getting out of hand, and it was controlled from the Treasury.

2480 Well, not every Department has such a pot of money, right, so what I cannot guarantee him is that, in a place where there is a trainee, there will never be a situation where somebody goes on maternity leave. But the trainee has not been sent there for that purpose and to cover that vacancy. That I can tell you.

2485 **Hon. D A Feetham:** But doesn't he agree with me that it is not an issue of money within the... It is not an issue of money or allocation to maternity leave, this is an issue of the hon. Gentleman having devised a strategy, the Future Job Strategy, which *he* says, and he still maintains, is a new training strategy in order to train individuals and, in the light of that, it is entirely wrong to be sending somebody, within a strategy that is designed to train that person for a full time job at the end of it, to cover for somebody on maternity leave.

2490 **Hon. J J Bossano:** Mr Speaker, I really do not know what I can do with the hon. Member when I give him the answers and he asked me the question as if I had not said anything! (*Laughter*). I have already told him. Yes, I did give him an answer.

2495 I told him *specifically* it is the Employment Services role not to provide maternity cover to Government Departments, agencies or Authorities. That is what I have told him. What I have said to him is what he cannot come tomorrow and say, 'Well, you send somebody to the Tax Office and now there is somebody on maternity leave, so that means the trainee is now doing the work that the people on maternity leave were doing.'

Hon. D A Feetham: That is not what I am getting at.

2500 **Hon. J J Bossano:** Well, if that is not what he is getting at then he has had his answer.

Future Job Strategy Details of placements

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Clerk: Question 259, the Hon. D A Feetham.

2510 **Hon. D A Feetham:** In relation to the Future Job Strategy, please provide details of where each and every trainee has been placed and ordered to undertake their training under that strategy. For the avoidance of doubt, there is no need to identify the trainee by name.

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

2515 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** At 29th February, 255 trainees were placed in the private sector and 66 trainees in the public sector.

2520 **Hon. D A Feetham:** Is the hon. Gentleman not concerned by the high levels of trainees in the public sector, as compared to trainees in the private sector, bearing in mind that the whole point, my understanding of it and the explanations that he has given in this House, not during the General Election, but my understanding is that the aim is to place these people in full time employment in the private sector.

Hon. J J Bossano: Well, Mr Speaker, I think we have already dealt with that in answers to the previous

2525 questions, but I would repeat it to him. The 66 in the public sector are going to be going up because, of the 255, the more people we find say 'we are not going to give the guy a job', we are not going to have somebody in a private firm where the private sector does not really have anything to provide him in terms of work or skills, where the private firm thinks they are doing us a favour, where we are paying that person £912 so, rather than have him parked in a private firm, it is better to have him in the public sector because, at the moment, as he knows, only five have told us they are going to give the people a job.

2530 So that is covered by the answers I have already given him. The answer is that this is not a situation that we want to finish up with: this is a situation that we have today on 29th February.

2535 **Hon. D A Feetham:** Is it the position of the hon. Gentleman that none of the 259 will end up in full time employment in the public sector, or does he have, perhaps, an idea of how many – in his projections – trainees may end up being employed in the public sector?

Hon. J J Bossano: Mr Speaker, the 255 are all in the private sector

2540 **Hon. D A Feetham:** In answer to the question originally, you said 259 in the public sector and 66 in the private sector. Have I understood that wrong.

Hon. J J Bossano: No, the other way around. There are 255 trainees placed in the private sector and 66 in the public.

2545 **Hon. D A Feetham:** That makes sense because, in fact, it would not have correlated with the figures that you have already given me.

Hon. J J Bossano: The same figures.

2550 **Hon. D A Feetham:** Exactly.

2555 But out of those 66 is there a number he has in mind of, because he must have, at some stage, sat down and said, looking at all these trainees – and I know there is a question in the order paper later on about the training skills audit – looking at the employment market in general, looking at all these trainees, looking at their profiles, these areas are the areas that, perhaps, we can find them employment within the private sector, but there might be some a number that may end up in the public sector? Has he done that analysis and, if he has done that analysis, does he have a figure – which I am not going to keep him to in the future – but does he have a figure of people that, perhaps, might end up in the public sector?

2560 **Hon. J J Bossano:** Of the 66, well, I think that probably most of the ones that are concerned in health training, because those people have a job guarantee. We are talking about, maybe, 20 of them.

Hon. P R Caruana: Mr Speaker, the Minister may already have said this whilst I was distracted, but the definition of private and public sector here is the one that we have traditionally become used to when we were in different places in this House, each of us.

2565 **Hon. J J Bossano:** All the Government companies would be in the public sector.

Hon. P R Caruana: Government companies, agencies, all statutory authorities are private and any and all.

2570 **Hon. J J Bossano:** Private is private.

Hon. P R Caruana: And AquaGib, which the Government has a minority shareholding in, does he know, offhand, where that one is categorised? You may need notice of the question.

2575 **Hon. J J Bossano:** Well, I can tell the hon. Member that it is based on the definition that we include in the Employment Service report.

Hon. P R Caruana: So they are private sector.

2580 **Hon. J J Bossano:** So, you know, if they are classified there as private, then in all the answers we will give, we will call them the same definition.

Hon. J J Netto: Can I ask a supplementary question to the Hon. Minister for Employment?

Does he know, of the 259 trainees that will be placed in the private sector, how many, potentially, of those trainees could end up with a mutually recognised qualification at the end of the training period?

2585 **Hon. J J Bossano:** At the moment the only people that we have got, as at 29th February, with a commitment that they will be employed, are people in the five employers that have got five employees – and they are not doing any training which has to do with obtaining a specified NVQ or any other kind of qualification. They are just being trained, because they were placed there beforehand. That is to say, these are people who have been, maybe, six months last year and we came in in December: their six-month period was due to end and I gave instructions to Bleak House not to terminate the training period for anybody, to let them all stay on and the five employers and the five employees that have been taken on so far, or there is a rigid commitment that they will be taken on, are all the ones that were there already...

2590 So, of the 255, they are only doing training with a qualification at the end, if they were doing it already.

2595 **Hon. J J Netto:** What I am trying to focus my question on is not necessarily... which is important, obviously, if a person, at the end of the training period, gets an offer of employment, but, leaving that aside, what I am trying to focus my mind is, of those 259 who are now being placed in the private sector, does he know how many of them will end up, potentially, if they fulfil the requirement of the training package with a mutually recognised qualification? That is what my question is aiming for.

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Hon. J J Bossano: I think there is another question on that, but...

2605

**Future Job Strategy
Length of contracts of employment**

Clerk: Question 260, the Hon. D A Feetham.

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Hon. D A Feetham: In relation to the Future Job Strategy, please state the length of the contracts of employment with Employment Training Company Limited of every trainee employed by that company under that Strategy. For the avoidance of doubt, there is no need to identify the trainee by name.

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

2620 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** All the trainees in the Employment Training Company have got a contract of employment for a maximum period up to the end of December 2012 and, therefore, the length of the time of the contracts now is on the basis that they all end in December, but it is not that we expect them all to be unemployed in January. In some cases it is written as a maximum, because an employer may be willing to take somebody on before December.

2625 **Hon. D A Feetham:** And that includes, does it not, people who, for example, had training contracts with the Construction Centre that exceeded 11 months, that were for two or three months for the length of the period which they would end up with an NVQ qualification? Correct?

2630 **Hon. J J Bossano:** Well, it includes them. The only thing that I want to point out is that they did not have contracts with Bleak House. They were receiving a payment from Bleak House, but it was not a contractual relationship. The contract that they had was with the Training Centre for the training. So the training was provided by one entity and the payment was provided by another. We have replaced the entity that pays. The entity that trains continues to provide the training, as contracted.

During the course of this year, there will be a number of changes, in order to – it will put everybody into the same system to start off within February but, for example, the people that are in sheltered employment

2635 will be moved to contracts that will give them permanent, open-ended contracts and not one-ended. The people who are training with specific dates will have their contracts adjusted so that the payment is linked to their continued period of training, but this has not happened yet.

2640 **Hon. D A Feetham:** So, in other words, those people that were on three-year contracts with the Training Centre, in order to obtain their NVQs, that have now been placed on 11-month contracts with Employment Training Company Ltd, what you are saying is that they will have their employment contracts with Employment Training Company Ltd extended for the three-year period that it takes to complete the NVQ? That is correct?

2645 **Hon. J J Bossano:** Not in all cases, because, of course, they are not all in the first year. We have got people in the first, second and third year. I think there are 40 that came into this year's intake and, therefore, their contract will have to be changed on the basis that it has to be linked to the continued attendance at the Centre. At the moment, the contract of employment with the employment company does nothing other than pay them a wage, instead of paying them £450.

2650 But, as we go through the system, we will then have, for example, of the people in the Construction Training Centre, we would have to do different contracts for the people who are about to finish this year, where it says 'up to 11 months', but they are not going to be up to 11 months in the company, because they will be completing their training and getting their level 3 NVQ later on this year.

2655 In the cases of the people in the second year, there is a different time period. In the cases of those who came in last year, which I believe was about 40, what they tell me from the Construction Training Centre is that there is generally quite a high level of wastage in the beginning, so we need to link to attendance and to performance the contracts where you do not have the situation where somebody walks out of a Training Centre tomorrow and there is still a contractual obligation to pay him £912 for the next two and a half years.

2660 **Hon. D A Feetham:** Just on that, are you saying that, effectively, what there is, the situation there is now, is a contract with the Employment Training Board, which is a contract of employment, where they are being paid, but then there is a separate contract with the Training Centre in respect of their training? Is that the position?

2665 **Hon. J J Bossano:** The position is that when they enter into the training programme, they enter the training programme which was to attend and to go to the Construction Training Centre and so forth for a period of time, to pass certain courses, to do it successfully before they can go up from year 1 to year 2. All that is unchanged. Right?

2670 In addition to that, they were with Bleak House shown as employees of Bleak House, on £415 a month, even though they did not have an employment contract and the law specifically excluded people on Government training schemes from being included in the definition of 'employee'. The Bleak House contract, for want of a better word, because it was not in the standard terms of employment that we have that say you are entitled to so much and with leave and sick leave and so forth, which they now have... That is what has replaced the Bleak House arrangement and that is no different, whether you are in the Training Centre, or in the Tax Office, or in the private sector. Everybody has got one standard terms of employment piece of paper and that is true of all of them.

2675 In the case of the people in the Construction Training Centre, the period ending in December was simply because, on 1st February, we took everybody that was there in January and gave them this new contract and registered them with the employment company and the contract says 'a contract is up to 11 months', so it was not a defined, closed contract, it was a contract with a maximum life of 11 months. It is those contracts, in the case of the construction trainees, that now has to be altered to fit whether you are in year 1, year 2, or year 3 and to put, in their case, conditions related to performance with their training, which does not exist in the places of others, because they are in a structured training programme, where the Construction Training Centre can say, look, you have failed level 1, you cannot go to do level 2.

2685 **Hon. D A Feetham:** Is there a risk here of a mismatch between the rights and duties of employer and employee, particularly the rights of employees in this kind of situation, in this way, that they are employed by Employment Training Company Ltd, but then they have got a separate contract, a training contract, with the Training Centre?

2690 Is he satisfied that employees are protected and, at the end of the day, the whole purpose of employing them by Employment Training Company Ltd was to give them employer/employee rights? Is he satisfied that those people are adequately protected in a situation whereby the Training Centre may terminate their training, which effectively means the end of the whole purpose of placing them there, in terms of, for example, had the company itself terminated, then the employee would have been able to claim unfair dismissal against the company whereas, if the Training Centre terminates that contract of employment, what would happen to the employee in that kind of situation?

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Hon. J J Bossano: Mr Speaker, the Construction Training Centre does not employ them, so there is no –

Hon. D A Feetham: [*Inaudible*]

2700

Hon. J J Bossano: – contract of employment with the Training Centre, which the hon. Member...

2705 If somebody is going to the college and the college says to him, you are being a nuisance in the classroom, go home, the guy's employment with the Employment Training Company does not cease, whether he is in a Construction Training Centre or doing any other course, but to the extent that there are people with different completion dates of their training, the employment contract has to adjust for the fact that what we cannot do is... there are people carrying on training, whose wages suddenly stop. Under the previous system their £450 was not tied to a period of payment, it was tied to a period of training. So if somebody was sent to do training in the private sector for six months on a six-month placement, then automatically, at the end of the placement, they came back and that was the end of the story.

2710 With the new system, since what we have got is an employment contract, the employment contract has been done the same for everybody in the first month of February. As we progress, we have to improve that system so that the employment contracts relate, for example, if somebody is studying to be a nurse, and is in the nursing school and is getting not the £450, which the hon. Member told me earlier they are still getting, but £912, what we have to do is link the employment to the period they are going to be training because after the training there is a job guarantee, so the employment will end with the employment company and will start with the Gibraltar Health Authority.

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2720 In the case of people in the Construction Training Centre, there is no guarantee of employment at the moment but, clearly, from what I have told the hon. Member that we are already doing in having a dedicated section of the Employment Service, where what we have done, we have transferred to the Employment Service somebody who was in the Training Centre as an external assessor and therefore knows exactly what the training is that is going on. What we expect is that we will do what we think is something that is important and that is to ensure that the training is leading to employment. We may not be able to do it for the people who are coming out this year, because the timescale is too short, but we certainly want that to be happening for the people in year 2 and for the people in year 1, who finish in a year or 18 months' time and in three years' time. So when they come to the Construction Training Centre, we have already got an employer lined up for them. That will be done, partly because of the placements that we do in the interim.

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2730 The reality of it is that we need to review the way the training is being provided, because some employers have already had meetings with me, telling me that the skills that we are imparting are not the skills that they require. Therefore, I think it has to be done in that way. So the whole idea is, in fact, to avoid a mismatch, that the hon. Member quoted. I have not been advised with anything that such a mismatch exists, but certainly it is not something we want to finish up with.

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn to 3 p.m. when we will continue with Question 314.

2735

Mr Speaker: Is that convenient to all hon. Members?
This House will adjourn to 3 p.m. this afternoon.

The House adjourned at 12.35 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.35 p.m.

Gibraltar, Thursday, 15th March 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*]

Mr Speaker: The Hon. the Chief Minister has indicated his wish to make a statement before we resume with the questions.

The Hon. the Chief Minister.

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Gibraltar Power Station and distribution works Statement by the Hon. Chief Minister

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has yesterday served a Notice on ETDE SA and Volker Stevin Construction Europe BV, the Joint Venture parties in respect of the construction of the proposed new Gibraltar Power Station and distribution works. The Notice informs the Joint Venture parties that the Government has decided not to proceed with the proposal they have made for the development

15 of the new proposed Power Station at Lathbury Barracks.

The Government will make a full statement next week in order to fully inform the public of the Government's reasoning for this decision, the consequences of it and the alternatives by which we intend to ensure the secure continuity of electricity supply.

20 **Hon. P R Caruana:** Well, Mr Speaker, for the sake of – as a point of order – can we treat the Hon. the Chief Minister as having moved the suspension of Standing Orders?

The House is in Question Time. The making of statements comes much earlier on and I think the usual practice is, so that it looks right on *Hansard* and in the Minutes, for there to be a suspension of Standing Orders to allow the Minister to make a statement.

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Mr Speaker: I am grateful to the Hon. Leader of the Opposition for pointing that out. Yes, I should have invited a suspension of Standing Orders, but it... Can we take it that the Hon. Chief Minister did move (**Hon. P R Caruana:** Yes.) and it has been approved by the House?

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I am most grateful.

Clerk: Answers to Oral Questions continue.

35

Questions for Oral Answer

CHIEF MINISTER

40

Brussels Process Whether 'dead and buried'

Clerk: Question 314/2012, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister confirm that he agrees that the Brussels Process is 'dead and buried'?

Clerk: Answer, the Hon. the Chief Minister

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, but not just 'buried': it is also 'cremated', as far as the Members of this side of the House always have been, are, and will be, concerned.

In this respect, Mr Speaker, I refer the hon. Gentleman to Government Press Release 62/2012, of 26th January 2012, in respect of my meetings with Minister for Europe, the Rt Hon. David Lidington MP and Government Press Release 126/2012, of 22nd February 2012, in respect of the statements made by the Prime Minister, the Rt Hon. David Cameron MP.

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Hon. P R Caruana: Mr Speaker, given that the Brussels Process was, when it was not 'dead and buried', a bilateral Process between the United Kingdom and the Kingdom of Spain, when we say that it is 'dead and buried', we do not mean as far as *we* are concerned because it always... it has been for quite some time, as far as we are concerned through none participation.

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What we mean is, and the essence of the question and what I am asking the hon. Member to agree with, is that it is 'dead and buried' as far as the *UK* is concerned, which is the position that we used to adopt when we were across the floor of this House, in reliance on the very same statement. It is true that there is a novelty now, in that the words have been uttered by the Prime Minister but the words that the government of the United Kingdom will not take part in any sovereignty negotiation or *even discussion*, unless the people of Gibraltar are content, dates back to the days of the new Constitution in 2007, and that that means, it certainly is helpful that the words have been found on the lips of a Prime Minister, as opposed to the lips of a Foreign Secretary, as it then was. But does the hon. Member agree with me that, since the Spanish Government says

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70 that the Brussels Process is intrinsically about sovereignty and the UK government has said that they will not
discuss or negotiate sovereignty unless Gibraltar is content, *ergo* the British Government must be saying that
it will not take part in talks under the Brussels Process unless we are content and, therefore, it is 'dead and
buried' not just as far as we are concerned – which has been the case for some time – but, indeed, as far as the
75 UK government is concerned, that is the only natural meaning of those words that have been uttered now by
the Prime Minister, but previously by Foreign Secretaries...?

Hon. Chief Minister: Mr Speaker, yes, sir, as the hon. Gentleman will know, as far as the Members of
this side of the House are concerned, the agreement was stillborn in 1984, but certainly since the new wording
came into the statements that are made by the Foreign and Commonwealth Office and any relevant Minister
80 and, recently by the Prime Minister, something which I know will be welcomed by *all* members of this
House. It is also, therefore, in *our* view the position of the United Kingdom that the agreement is *de facto*
dead and buried because of the double lock mechanism, which means that Gibraltar will never agree to those
talks going ahead.

Hon. P R Caruana: Precisely for that reason, Mr Speaker, and, of course, that this... Does he
85 acknowledge and agree with me that this has been said not now just by the Prime Minister and by Foreign
Secretaries and Secretaries of State but, indeed, has been contained as a key point in successive addresses by
the UK's representative at the United Nations in their annual addresses to the Fourth Committee, now for 4 or
5 years at least – I cannot remember when it started, I think it was 2007, it might have been 2006 – and that,
90 therefore, it is now the crystallised position and has been for some time of the UK government?

Hon. Chief Minister: Mr Speaker, I will agree with him that the record will show when it started, when
that position started, and it became the crystallised position of the United Kingdom, as he puts it. I am sure he
will agree with me that it is the position that was taken by the party on this side of the House from the very
95 moment that the agreement was announced in 1984.

Mr Speaker, I think it is also important to highlight that it is the position which HE the Governor put in
this House when he opened this House in his capacity as the representative of Her Majesty the Queen, *in this*
House, and that is the only position that will be acceptable to Members on both sides of the House, and that it
is the death knell, not just of the 'dead and buried' Brussels Process but of *any other* Process that might
100 propose any negotiations or discussions of sovereignty in *any* circumstances in which the people of Gibraltar
were not content with that.

105 **Tourism, port, business, e-commerce and e-government advisory councils.**
Government policy

Clerk: Question 315, the Hon. D J Bossino

110 **Hon. D J Bossino:** Can the Government advise whether it intends to continue with the policy of receiving
advice from the tourism, port, business, e-commerce and e-government advisory councils?

Clerk: Answer, the Hon. the Chief Minister

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

Hon. D J Bossino: Can the Hon. the Chief Minister advise whether the membership of these various
councils have been set up?

120 **Hon. Chief Minister:** Mr Speaker, as I understand it, the tourism advisory council, the small business
board, the port advisory council, the tourism advisory council and the small business board have all been,
have either all been set up or are in the process of being set up, with dates fixed for the next meetings.

Hon. D J Bossino: The Hon. Chief Minister has mentioned the small business board and tourism advisory

125 councils twice, so that would leave out the business e-commerce and e-government advisory councils, which presumably have not been set up. If that is the implication of him leaving these out in the answer, does he have any indication as to when he thinks these will be set up?

130 **Hon. Chief Minister:** Mr Speaker, in respect of e-commerce and e-government he will know that those are areas of my responsibility, where I am working already with the internal apparatus of the Government to promote the Government's work in delivering the early stages of e-government.

E-commerce, of course, is not so much a Government initiative but enabling traders in Gibraltar to do business with the world and not just the Government doing business with its citizens.

135 I am delighted to tell him that I will be looking to the e-commerce and e-government advisory councils to provide advice on the issues that those who are representing there the relevant industries think it is appropriate for the Government to bear in mind when it is taking the necessary steps to advance where we are in respect of e-commerce and e-government but, at this stage, the work has to be done almost, if I may say so, infrastructurally, to put the Government in a position to be ready to do e-government and e-commerce. That is why that has not been a priority yet.

140 **Hon. D J Bossino:** I take it from that reply, just to make it fuller, is that at this stage he does not know. The Chief Minister would not be able to advise this House as to *when* he thinks he will be in a position to confirm that or to advise this House about the membership of these councils will be set up... it is too early to say.

145 **Hon. Chief Minister:** Well, only in this sense, Mr Speaker, that I do think that there is a call for advice at this stage, but I would anticipate that those boards, those councils, will be reconstituted before the budget session, for example.

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**Retired civil servants
Detailed figures for 2011 and to end of February 2012**

155 **Clerk:** Question 316, the Hon. J J Netto

Hon. J J Netto: Mr Speaker, can the Government provide the figure of retired civil servants during 2011 and up to the end of February, broken down by month, grade, department, authorities and agencies?

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

Hon. Chief Minister: Mr Speaker, I will now hand the hon. Member a statement giving the information requested. (*The Tables can be found on the following pages*)

Hon. J J Netto: Mr Speaker, I am grateful for the information.

ANSWER TO QUESTION 316

DATE	GRADE / NO.	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
APR 2011	CARPENTER (1) EXECUTIVE OFFICER (1) COOK (1)	HOUSING WORKS AGENCY GDC GHA	3
MAY 2011	ADMINISTRATIVE OFFICER (1) SCHOOL BUS DRIVER / SS ASSIST (1) GRAVEDIGGER (1) ENROLLED NURSE (2)	FAMILY, YOUTH AND COMMUNITY AFFAIRS EDUCATION ENVIRONMENT GHA	5
JUN 2011	NURSE AUXILIARY (1) ENROLLED NURSE (2) CLEANER (1)	GHA GHA TECHNICAL SERVICES	4
JULY 2011	TEAM LEADER (DISABILITY) (1) CLEANER (1)	CARE AGENCY GHA	2
AUG 2011	SENIOR OFFICER PUBLIC ANALYST (1) SCHOOL ATTENDANT (1) SENIOR ENROLLED NURSE (1) STORES SUPERVISOR GRADE D (1) STOREMAN (1) CONSUMER SERVICES OFFICER D5 (1) CHIEF INSPECTOR (1)	GHA EDUCATION GHA GHA GHA GIB ELEC AUTHORITY POLICE	7
DATE	GRADE / NO.	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
SEP 2011	CHIEF STATISTICIAN SO LEVEL 5 (1) POLICE CONSTABLE (2) POLICE INSPECTOR (1) SENIOR EXECUTIVE OFFICER (1) LABORATORY CLERK (1) ENROLLED NURSE (1) SENIOR OFFICER (1) QUALIFIED TEACHER (4) PRINCIPAL (1) HEADTEACHER (1) DEPUTY HEADTEACHER (1) MANAGING DIRECTOR (1)	STATISTICS POLICE POLICE INCOME TAX GHA GHA FINANCE CENTRE EDUCATION EDUCATION EDUCATION EDUCATION AQUA GIB	16
OCT 2011	STAFF NURSE (1) PLUMBER (1) SENIOR ENVIRONMENT OFFICER (1)	GHA HOUSING WORKS AGENCY ENVIRONMENTAL AGENCY	3
NOV 2011	HIGHER EXECUTIVE OFFICER (1) POLICE CONSTABLE (1) FIRE FIGHTER (4)	POST OFFICE POLICE CITY FIRE BRIGADE	6

CONTD ANSWER TO QUESTION 316

DATE	GRADE	DEPARTMENTS, AUTHORITIES AND AGENCIES	TOTAL
DEC 2011	HIGHER EXECUTIVE OFFICER (1) CHIEF DRIVING & VEHICLE EXAMINER (1) COXWAIN (1) ELECTMEM OF THE GIB PARLIAMENT (2) AO TIMEKEEPER (2) PRISON OFFICER (1) D7 TECHNICAL GRADE (1) ENROLLED NURSE (1) QUALIFIED TEACHER (1)	FAMILY, YOUTH AND COMMUNITY AFFAIRS TRANSPORT - TRAFFIC PORT PARLIAMENT HOUSING WORKS AGENCY HMS PRISON GIB ELEC AUTHORITY CARE AGENCY EDUCATION	11
JAN 2012	SUPPORT GRADE BAND 2 MESSENGER (1) PTO (1) SPTO / COO (1) PAINTER (1) POLICE CONSTABLE (1) SCHOOL ATTENDANT (1) QUALIFIED TEACHER (1) DIVISIONAL OFFICER (1) FIRE FIGHTER (1) PTO (1)	TREASURY TECHNICAL SERVICES TECHNICAL SERVICES HOUSING WORKS AGENCY POLICE EDUCATION EDUCATION CITY FIRE BRIGADE CITY FIRE BRIGADE AQUA GIB	10
FEB 2012	SENIOR EXECUTIVE OFFICER (1) DOMESTIC SUPERVISOR (PTO) (1) TSSU / CSSD TECH (1)	POLICE GHA GHA	3

165

**Moroccans in Gibraltar
Enhancement of rights**

170

Clerk: Question 317, the Hon. J J Netto

Hon J J Netto: Mr Speaker, can the Chief Minister state what the Government plans to do in order to enhance the rights of Moroccans in Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister: Mr Speaker, as soon as we were elected, we have commenced dealing with the problems experienced by Moroccan workers. We are working already on issues relating to visas to visit Gibraltar for pensioners, who come to collect pensions as well as for family members of those who work here. The process of dealing with naturalisation applications for all of those who have been here for more than 20 years and in good standing have all now been dealt with.

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We are in contact with the relevant representatives of both their collective organisations, the MWA and the MCA and we have met with both since the election on a regular basis and we will continue to do so. We

185 have also met with the operator of the ferry service and seek to work together on enhancing the service provided.

Hon. J J Netto: Mr Speaker, I am grateful for the information, but my question actually goes much further than the answer that has been provided by the hon. Member.

190 Can the Chief Minister, the Hon. Chief Minister, provide an indication, where does the Government think in relation to the rights of Moroccan workers for entitlement, for instance the minimum income guarantee? Does the Hon. Chief Minister think that the Government, in terms of enhancing their rights in the future, will allow Moroccans to be entitled to minimum income guarantee?

195 **Hon. Chief Minister:** Mr Speaker, the Moroccan Workers Association and the Moroccan Community Association have not raised that issue with me. It is an issue I would have to look into to understand whether the entitlement to minimum income guarantee is based on any qualifying criteria which might cause a problem.

200 The hon. Member should know that, in the process that was commenced by his government, in the period in the run up to the General Election, and after the General Election, most of the applications, if not all the applications, for naturalisation in respect of people who have been here for more than 20 years have been dealt with, and unless people were not in good standing then they have been dealt with positively so, therefore, there should be no issue in respect of entitlements which a British Citizen has, when resident in Gibraltar, being available to all of those Moroccan workers who have now been naturalised.

205 **Hon. J J Netto:** Mr Speaker, I am grateful for the fact that the Hon. Chief Minister seems to be indicating that he has given quite a lot of effort and time in terms of making, of continuing, the progress of naturalisations, which we indeed advocated for. My supplementary question is more in terms of the thinking of the Government in relation to a number of benefits in different forms which, at the moment, the Moroccans are not entitled to.

210 In relation to the minimum income guarantee, he might know, or may not be aware of that, in the past, one requirement was that when the Moroccans were being issued with a resident permit of a year, that seems to have been like the basis of saying you are not entitled. But the fact is that one of the things that we changed in our term of office is that now they are given five years' resident permit so, in relation to that, as far as the minimum income guarantee, does the hon. Member think that, when considering the natural progress of giving entitlement to Moroccans, a minimum income guarantee would be *one* of the things that the Government will be considering in order to allow them to get that benefit, in the same way as all other taxpayers and people who pay social insurance who are and who are residing in Gibraltar will be able to get it?

220 **Hon. Chief Minister:** Mr Speaker, I would need notice of the question in respect of the minimum income guarantee for this reason: the minimum income guarantee was introduced by the hon. Members opposite when they were in government. I do not know the eligibility criteria off by heart of what the minimum income guarantee is, but the hon. Gentleman can rest assured that it has not changed since 8th December 2011. Therefore, if there was an issue with people being eligible for a minimum income guarantee, it must have arisen because they introduced it in a way that created the issue.

225 But what I want him to understand is that the process – which, as I said, commenced under the previous Administration, has continued and been completed under the current Administration – means that most, if not all, of the Moroccan workers who are resident in Gibraltar – and by that I mean those who have been resident for more than 20 years and are traditionally seen as those who came over during the closed frontier period – have had their applications for naturalisation dealt with and, unless they have not been in good standing – which means, namely, that they have been convicted of something or there have been issues with them perhaps being thought to be working illegally, etc – all of them have been dealt with positively. So we are dealing, principally now, with a group of people who are British citizens, or about to be British citizens, resident in Gibraltar. If there is a citizenship criterion in respect of any of those entitlements then, for most people, for that reason, they will have surmounted it already.

235 **Hon. J J Netto:** From recollection, my understanding is that one of the criterion for entitlement to the minimum income guarantee is that the people have to be in excess of one year resident... residency permit in

Gibraltar, and of course, this is the one thing I just alluded to: we did change in order to give the Moroccans a five-year resident permit, as opposed to one year.

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Therefore, the way I see it, given that those were the criteria that we set out to create, a minimum income guarantee, I would think logical enough to extend those rights to the Moroccan community in Gibraltar on the basis of the criteria for entitlement which we actually set out for the minimum income guarantee. It is on the basis of that that I am asking my question.

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Hon. Chief Minister: Mr Speaker, let me put it this way: if there is a problem with people being eligible – Moroccan workers being eligible – for the minimum income guarantee, it is a problem that would have been created before 8th December, not afterwards because, as far as I understand it, we have not changed any aspects of the permit of residence that is granted – so if it was granted for five years under them, it continues to be granted for five years under us.

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Hon. J J Bossano: So why were they not getting the minimum income guarantee?

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Hon. Chief Minister: Therefore, it may be that people were already... what he is saying to the House is that these Moroccan workers were eligible to get the minimum income guarantee before the Election, and that he is concerned that we should not have done anything after the Election, to stop them from getting it. That is not the case.

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Whatever was the position before is the position now. If there was a discrimination – to use a word, I do not mean it negatively – there was a lack of entitlement under the previous Administration, the lack of entitlement continues today, but not because we have changed anything – only because it was there under the previous Administration. What I am saying to him is that many of those people who the hon. Gentleman refers to in respect of the one-year permit of residence going to five-year permits of residence, are very likely to now be – or be *about* to become – British passport holders.

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If there is a group that is not covered by that, I am quite happy for the hon. Gentleman to indicate to me how that group is identified and why it is that they might have a lack of eligibility, which must be the same lack of eligibility that affected them, when he was in Government, and then we can have a discussion about that and I can see whether there is an issue there for the Government to deal with.

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But, certainly, the qualifications for minimum income guarantee, I need notice of the question of, in order to be able to give him a specific answer.

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Hon. J J Netto: Obviously, I can accept the fact that it is a particular type of question that the hon. Member might require notice of the question, in order to do a bit of homework in relation to giving me a more appropriate –

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Hon. Chief Minister: Would the hon. Member give way? (**Hon. J J Netto:** Yes.)

If I could just say to him, I think I said it in the answer to my first supplementary, it is not an issue – this issue of the minimum income guarantee that either the MWA or the MCA have raised with me. That is why I am surprised to see *him* pursuing it, and I am happy to try and understand from him – not necessarily across the floor of the House – why he thinks that there was an issue there before 8th December, that might merit looking into now.

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Hon. J J Netto: Mr Speaker, as I was just about to say, I can appreciate that, obviously, I need to give notice of a question, or a very specific question, so that the hon. Member can inform himself so much better, so with regard to this particular line of supplementary, I will just simply put it on hold until another occasion.

290

But in relation to other issues which may affect Moroccans in Gibraltar – for instance, Community Care – will the Hon. Chief Minister look on the fact that, at the moment, Moroccans are not entitled to the Community Officer's wage between the age of 60 and 65, nor are they entitled to the household cost allowance and my supplementary question to him is that, in enhancing and progressing the rights of Moroccans in Gibraltar, whether he will look into this matter, in order to try and see whether Moroccans who do fall in that particular age group, between 60 and 65 and who, obviously, at the age of 65 may even get the old age pension, should be entitled as well to the Community Officer's wage and the household cost allowance after 65.

295 **Hon. Chief Minister:** Mr Speaker, the position in respect of Community Care is as stated by Chief Ministers since that entity was created, that in this House, we are not really able to answer for the trustees and how they decide that household cost allowance should or should not be paid.

300 But if what he is telling me, Mr Speaker, given that I perceive there has been no change in the way that the trustees have decided to pay household cost allowances since we were elected – at least they have not made any public announcement which I have read to that effect – and what I have told him is that more members of the collective have been naturalised since 8th December, such that the exercise commenced before is now completed, I would have thought that if what he is telling me is that he has got a concern that there was a problem which he presided over when he was in Government, or he was concerned about, when he was in Government, I am happy for him to explain it to me because, as far as I am going to deal with this, household cost allowance and community care are not issues for which the Government is answerable in this House, but they are not either issues which are being raised with me by MWA or MCA.

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Mr Speaker: The Hon. Daniel Feetham.

310 **Hon. D A Feetham:** Yes, is this an issue – the question of Moroccan rights that he discussed with the leadership of the Transport and General Workers' Union – I mean the UK leadership, when they were here earlier on this year?

Hon. Chief Minister: Yes, Mr Speaker.

315 **Hon. D A Feetham:** And did they, Mr Speaker, impress upon him the need to further Moroccan rights in a way that they were urging *us* to deal with it when we were in Government?

Hon. Chief Minister: No, Mr Speaker.

320 I tell you why I venture to say no, although of course I was not privy to the discussions that they had with the hon. Members when they were in Government, but the answer is no for this reason. They did not seek to impress anything upon *me*; they just told me how impressed they were with the way that we were dealing with things.

325 **Hon. D A Feetham:** So all the things that they were saying, that the leadership of Unite UK were saying that we had not done in relation to Moroccans that we ought to do, they never raised any of that with you at the beginning of January?

Hon. Chief Minister: Mr Speaker, I was not privy to the conversations that the hon. Gentleman might have had with the leadership of Unite.

330 **Hon. D A Feetham:** In fact, the question of what they were urging upon us is public knowledge because my recollection is that they were here in Gibraltar; they came over, they had a public meeting in the John Mackintosh Hall, I believe in January of last year – certainly I think the beginning of last year – and were, in fact, threatening legal action because they said that we were not complying with Moroccans' EU rights and several other rights and they were threatening legal action against the Government. Was none of that raised with you at your meeting earlier on this year?

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Hon. Chief Minister: No, Mr Speaker, I was not threatened with legal action; I was simply told that they were delighted with the way that we were dealing with the issues that were being brought to our attention.

340

Civil Partnerships Government plans for Command Paper

345 **Clerk:** Question 318, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state when the Government will be in a position to publish a

Command Paper on Civil Partnerships?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government expects to be in a position to publish a Command Paper on Civil Partnerships after the summer.

355 **Hon. D A Feetham:** Does the Government intend to deal with the question of civil partnerships just by focusing on homosexual couples or is the question of civil partnerships going to be open to other relationships, for example siblings? Will siblings be able to enter into a type of civil partnership, allowing for the transfer of rights as, indeed, will be allowed when one deals with civil partnership?

360 **Hon. Chief Minister:** Mr Speaker, I am confident that all of those matters will be clear when the Command Paper is published.

365 **Hon. D A Feetham:** Does the Government intend to go further than civil partnerships in this area, certainly in relation to homosexuals, and does the Government intend to, for example, follow the route taken by the United Kingdom government at the present moment, allowing marriage of gay couples?

Hon. Chief Minister: Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago, and he will see what the position is when the Command Paper is issued.
Is he urging us to do so?

370 **Hon. D A Feetham:** No, I am not inviting him to do so (*Laughter and interjections*), but certainly I am entitled to obviously ask – (*Interjection and laughter*) Certainly I am entitled to know what the Government's policy is, and it is not a very difficult question.

375 As a matter of policy, does the Government agree with the concept of allowing gay people to get married? Very simple.

Hon. Chief Minister: Mr Speaker, the previous Administration did not have a policy of issuing Command Papers. We have a policy of issuing Command Papers and the Command Paper that we issue in respect of this matter will set out very clearly what our position will be and what the extent and ambit of the civil partnerships will be. I really cannot put it any further than that at this stage. I am not going to be falling into the trap of making up policy on the hoof.

385 **Hon. D A Feetham:** Absolutely, but does he not agree with me that Command Papers are about advance publication of legislation and what I am asking him is clarification of what their policy is. It is not a difficult question. Is their policy, that they support gay marriages, or is it not?

The hon. Gentleman cannot continue on this particular issue to be all things to all men, which is what he is trying to do, by not pinning his colours clearly to the mast.

390 **Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman cannot do is to be so obviously transparent in the way that he pretends to be the champion of everyone who wants to advance a right whilst, at the same time, trying to avoid understanding the pressure that his party will put upon him.

395 Mr Speaker, it is *this* party that has said it will introduce civil partnerships. It is *this* party that has a Minister for Equality. It is *this* party that will be issuing a Command Paper before the summer, in order to deal with these issues. It is *this* party that is addressing the issue head on.

It is *that* party, Mr Speaker that did not even mention civil partnerships. It is *that* party, Mr Speaker, that has remained always of the view that there was no need to issue anything like a Command Paper because they went out to a different process of consultation. So be it, Mr Speaker. We have taken the view that we have stuck our colours to the mast clearly in our manifesto and our manifesto will be implemented in the timetable that is set out in it and where it is not set out in it, in the four-year term.

400 I have told him today, in answer to his question, there will be a Command Paper on this issue. In that Command Paper he will have the answers to his questions.

405 **Hon. D A Feetham:** Yes, Mr Speaker, I listened to what the hon. Gentleman has to say about this, but it was that party that clearly fluffed their lines when I presented a Private Members' Bill on the age of consent on the rights (*Interjection*) of homosexuals. (**Hon. Chief Minister:** Where is the question Mr Speaker?) But does he not accept – (**Mr Speaker:** There is a preamble there.)

410 Thank you very much, Mr Speaker. Does he not accept that the failure to answer questions on this particular issue, to give particulars of their policy on this particular issue is because the Government – and, in fact, when they were on the Opposition Benches – have a habit of sitting on the fence, of wanting to be Christians as well as Socialists, of wanting to hunt with the hounds and run with the hares. Is that not the case, Mr Speaker?

Hon. Chief Minister: Mr Speaker, I recognise – (*Interjection and laughter*)

415 **Mr Speaker:** Order. Order.

Hon. Chief Minister: I recognise – (*Interjection*)

420 **Mr Speaker:** Order. Order. Order.

Hon. Chief Minister: Mr Speaker, I do not believe that one has to choose between being a Christian and being a Socialist and I commend to the hon. Member membership of the Christian Socialist movement, which has a chapter headed by the Hon. Mr Bruzon in Gibraltar.

425 Mr Speaker, this is nothing of the sort. This is the only party represented in this House that has stuck its colours to the mast on this issue. We are *for* civil partnerships. We are going to publish a Command Paper setting out how civil partnerships will be established in Gibraltar.

If he is so keen on the idea, Mr Speaker, can he tell us why it is that he did not manage to get civil partnerships included in the manifesto for *his* party?

430 **Hon. P R Caruana:** Mr Speaker, does the hon. Member agree with me that the debating of this issue around whether you are a Socialist or not has become irrelevant, following the announcement by the United Kingdom Conservative Party that they (*Laughter*) are going to introduce legislation for gay marriages – not a course of action, by the way, that I am recommending to him. (*Laughter*) I would earnestly recommend to him the opposite course of action.

435 Mr Speaker, will the hon. Member agree that there is a distinction between a Command Paper, which is an act preliminary to legislation, which is relevant to *implementation* of policy, and that simply saying that there is going to be a Command Paper is not an answer to the question? Well, alright, when it comes to legislation you will precede it with a Command Paper, which is very helpful. But now, today, does the Government have a policy on whether to allow – a policy, not legislative intent – is it the policy of the Government to allow gay marriages or not?

440 I suspect that he let slip the answer to that a few moments ago, when he said, 'I am not going to fall into the temptation of making policy on the hoof', which suggests that the answer to my question is, no, the Government does not yet have policy on the matter.

445 **Hon. Chief Minister:** Mr Speaker, I can tell him that *I* have a view on the matter, but that is not a policy. The policy is in respect of civil partnerships and that is set out in our manifesto and fleshing that out in legislation is what the Command Paper will do.

450 I have a view, Mr Speaker, which I am very happy to share with him and it may or may not be the view that my colleagues have on this subject but, if it came to that, it may be that this would be an issue for a free vote. My view, Mr Speaker, is that – (*Interjection by Hon. P R Caruana*)

Well, Mr Speaker – (*Interjection by Hon. P R Caruana*)

Mr Speaker: Order, order.

455 **Hon. Chief Minister:** Well, Mr Speaker, remember that the hon. Gentleman, from a sedentary position, raises an issue of a free vote. In that instance, we took the view that the issue was – and that which the Supreme Court took, and which the Hon. the then Minister for Justice also took – that this was not an issue of

conscience. The equality of the age of consent was an issue of law and, therefore, free votes are not relevant there.

460 There is no law requiring governments to allow homosexual people to marry or not marry, and that is why the issue may be one of conscience and free vote and not of having to accept the case law of the European Court. My own view is that we should *not* have gay marriage in Gibraltar, that we should have civil partnerships.

465 **Hon. P R Caruana:** Well, Mr Speaker, I am delighted to say that, at least on that issue, but I hope on many others, too, the hon. Member and I can agree: that is to say, the first half of the sentence. I'm not sure I am willing to join him on the second part, but I accept it is a separate issue. But I believe that and, certainly, it is *my* view, and I am not – as he has always pointed out that this is an issue that divides, issues of this sort, divide this party – but my *personal* view is that gay marriages should not be countenanced.

470

Homosexuals in Gibraltar Policy re discrimination

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Clerk: Question 319, the Hon. D A Feetham

Hon. D A Feetham: Does the Chief Minister believe that homosexuals in Gibraltar are discriminated against, and if so, what does his Government intend to do about it?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the first part of this question calls for an opinion, which in the Government's view, is contrary to Standing Order 17(1)(VII).

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I will, nonetheless, remind the House of the fact that, contrary to the contentions advanced by the previous Administration in two cases, the Supreme Court made findings in respect of the case of the referral of the age of consent, and in the case of *Rodriguez v Muscat* which was in respect of Government tenancies, so that it is now established in law that there are certain discriminations affecting homosexuals in Gibraltar. We intend to end *any* such discrimination, where appropriate. I and the Minister for Equalities meet regularly with representatives of Gibraltar Gay Rights (GGR) in order to keep those issues under review.

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Hon. D A Feetham: So, is the Government's position the position, in fact, that the Hon. the Leader of the Opposition, when he was Chief Minister, held for a number of years, which was 'we will do whatever is our legal obligation but, in relation to this area, we are not going to go any further'. Is that the position of the Government?

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Hon. Chief Minister: That is, self evidently, not the position Mr Speaker, because we have got our manifesto commitments to create civil partnerships, so he should really have thought that supplementary through.

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What I am telling him is that I will not answer a question from him in this House, asking me what I believe, and I pointed out to him two instances recently, where the Supreme Court has actually specifically pointed out discriminations, and told him that we will deal with *those*. But simply by looking at our manifesto he would have known better than to ask such a supplementary.

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Hon. D A Feetham: Well, the supplementary arises from the answer that he has given me. If he doesn't want those kind of supplementaries then, perhaps, he should give more thought to the answers that he gives me in the first place.

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You see, the hon. Gentleman appears to be equating, when I ask him 'does he believe that homosexuals in Gibraltar are discriminated against?', he seems to be equating that to 'discriminated against' in the legal sense. That is not the intention of the question. What I am asking is 'does he feel that there is discrimination against homosexuals?' There may well be no *legal obligation* in terms of ending a particular position but, nonetheless, it may well be, many people may see it, morally, as discrimination.

515 Now, surely the Government must have been able to, at the very least, formulate a view as to what areas of discrimination there are in relation to homosexuals in Gibraltar? Because, bear in mind, that not only in the last election, but also in the 2007 election and in the 2003 election, they were making promises to homosexuals in Gibraltar, in exchange for their votes. So has the Government given a thought to this particular issue?

520 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman does not seem to be able to utter a phrase, in forming a supplementary, which I can agree with.

Look, Mr Speaker, the person who needs to give more thought to things is him. He has asked a question which, in our view, is clearly contrary to the Standing Orders. He has asked us whether we *believe* that there are discriminations: that is asking us for our opinion in respect of the discriminations and the rules talk about not being able to ask questions in respect of opinions.

525 So what I am saying is, I am not going to sit here, or stand here, and tell the hon. Gentleman what I believe and now, in his most recent supplementary, what I *feel!* Look, Mr Speaker, I am happy to discuss my feelings with many people, because I am quite an open hearted guy, but he and I are quite beyond the stage where we want to discuss our feelings, (*Laughter*) for each other or in any other way. (*Laughter*)

530 I am happy, Mr Speaker, to have questions asked about issues that seek information and where we can provide that information, but, Mr Speaker, the hon. Gentleman is asking me to give him an *opinion*. He has got an opinion about what discriminations there may be against homosexuals in Gibraltar. I have got an opinion about what those may be. They may, or may not, just be the ones that the Supreme Court have alluded to.

535 This is not the place to discuss issues of opinion, in Question Time. If he wants to raise those issues, there is a particular mechanism for him to do it, which is to bring a motion, and then we can discuss those issues in debate. A question should not be a pretext for debate either, Mr Speaker, so the issue for us is very simple. It is as set out in answer to the original question.

540 **Mr Speaker:** I think before the hon. Member poses a supplementary, may I clarify, in the light of the Hon. Chief Minister's response, my thought process when I read the question. I did have in mind the question that this is an expression of opinion, but I did, in my mind, distinguish between two possibilities. One is that using the word 'discrimination' as legal disabilities, which is what one aspect of the hon. questioner's question aimed at: the other element of 'discriminated' could be discrimination at a 'street level', if I put it that way. So because there were those two possibilities I allowed the question as it was. Anyway –

545 **Hon. D A Feetham:** Yes. Can the Government at least, or the Chief Minister at least, inform us about this. Have the Government sat down and considered in what areas they wish to enhance the rights of homosexuals in Gibraltar, apart from the question of civil partnerships?

550 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the last sentence of the answer I gave him a few moments ago, which says that I and the Minister for Equalities meet regularly with representatives of GGR, in order to keep these issues under review and, therefore, the answer is, yes, as already answered.

555

**Statutory Boards
Replacement of members since 9th December 2011**

560 **Clerk:** Question 320, the Hon. D A Feetham

Hon. D A Feetham: In relation to each Statutory Board, can the Chief Minister provide a list of a) who has stood down, been asked to stand down or been sacked from that board since the 9th of December 2011, and b) who has replaced them?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I now hand the hon. Member a schedule with the

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list of individuals who have stood down, been asked to stand down, or been sacked from all Statutory Boards since the 9th December 2011. The list of anyone who replaced them is also provided. Only one person was asked to consider standing down in respect of the Prison board, that person refused to stand down, and therefore remains on the said board until such time as her appointment expires.

Mr Speaker, only 3 people have been sacked from any board, namely the persons who made up the board of the Gibraltar Development Corporation, Mr Caruana, Mr Holliday and Mr Netto, all of whom were sacked by the people on the 8th December 2011. (*Applause*)

ANSWER TO QUESTION 320

GIBRALTAR DEVELOPMENT CORPORATION BOARD

The Hon Mr P Caruana (sacked)	Replaced by: The Hon Joe Bossano, Chairman
The Hon Mr J J Holliday(sacked)	The Hon Joseph Garcia
The Hon Mr J Netto(sacked)	*The Hon Neil Costa
The Hon Mr E M Britto(retired)	Ernest Gracia Caine Sanchez
	Date: 20/01/2012 *6/02/2012

NATURE CONSERVANCY COUNCIL (NATURE PROTECTION ACT)

The Hon John Cortes (resigned)	Replaced by: Dr Darren Fa Dr Alex Menez Mr Charles Perez
	Date: 26/01/2012

GIBRALTAR HEALTH AUTHORITY BOARD

Mrs Isobel Ellul-Hammond (resigned)	Replaced by: Mr Ernest Lima
	Date: 26/01/2012

HOUSING ALLOCATION COMMITTEE (HOUSING ACT)

Mr Damon Bossino (resigned)	Replaced by: Mr Derek Ghio
	Date: 09/02/2012

PRISON BOARD

Mr Albert Langston (resigned) (conflict on becoming Chairman of the Magistrates Association)	Replaced by: Mr Michael Caetano
	Date: 16/02/2012
Isabella Shepphard Capurro	Asked to stand down but refused.

TRAFFIC COMMISSION (TRAFFIC ACT)

Mr A J P Lombard (revoked)
Insp. Field (revoked)
Mr M Azopardi (revoked)
Sgt H Zammit (revoked)
Mr P Origo (revoked)
Mr G Gaggero (revoked)
Mr E Tellez (revoked)
Mr F Baglietto (revoked)
Mr C Sacarello (revoked)

Replaced by:
Mr Peter Cleverly, Chairman
Chf Insp. Richard Ullger
Mr Albert Parody
Mr Mario Victory
Ms Catherine Walsh

Date: 16/02/2012

CONTD. ANSWER TO QUESTION 320

TRANSPORT COMMISSION (TRANSPORT ACT)

Mr Peter Maginnis (revoked)
Mr Damon Bossino (resigned)
Mrs Sally Felice (resigned)

Replaced by:
The Hon Paul Balban
Mr Peter Cleverly
Mr John E Dalli
Mr Dairon Trenado

Date: 28/02/2012

TRADE LICENSING AUTHORITY (TRADE LICENSING ACT)

Mr Joseph Tavares, Chairman (term expired)
Mrs Daphne Alcantara (term expired)
Mr Clive Moberly (term expired)
Mr Martin Ullger (term expired)

Replaced by:
Mrs Marie Lou Guerrero, Chairman
Mr Vijay Daryanani
Mr Isaac Massias
Mr Charles Avellano

Date: 01/03/2012

**GIBRALTAR INVESTOR COMPENSATION BOARD
(FINANCIAL SERVICES (INVESTOR COMPENSATION SCHEME) ACT)**

Mr Roy Clinton (term expired)
Mr Christian Bjorlow (term expired)

Replaced by:
Mr Christian Garcia
Mr Derek Sene

Date: 19/01/2012

Contd...

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**GIBRALTAR DEPOSIT GUARANTEE BOARD
(GIBRALTAR GUARANTEE SCHEME ACT)**

Mr Jose-Julio Pisharello (term expired) Replaced by:
Mr Colin Vaughan
Date: 12/01/2012

DEVELOPMENT APPEALS TRIBUNAL (TOWN PLANNING ACT)

Min. for Health & Civil Protection (term expired) Replaced by:
The Hon Neil Costa
Min. For Housing (term expired) Dr Norbert Borge
The Hon H Budhrani QC (term expired) Mr Troy Jeffries
Mr Roy Clinton (term expired) Mr Stephen Bossino
Date: 03/03/2012

GIBRALTAR PORT AUTHORITY (GIBRALTAR PORT AUTHORITY ACT)

Mr J J Holliday (revoked) Replaced by:
The Hon Neil Costa
Mr Flavio Madeira (revoked) Mr A H Davis
Chief Executive, Port Authority (revoked) Captain of the Port
Mr Peter Canessa (revoked) Mr Paul Martinez
Mr C Lavarello (revoked) The Financial Secretary
Mr Richard Buttigieg
Dr Keith Bensusan
Date: 23/02/2012

CONTD. ANSWER TO QUESTION 320

PUBLIC SERVICE COMMISSION

Mr Richard Garcia (resigned) Replaced by:
Mr Ernest Gomez
Date: 10/02/2012

SPECIFIED APPOINTMENTS COMMISSION

Mr Richard Paul Armstrong (resigned) Replaced by:
Mr Lewis Baglietto
Date: 21/02/2012

Mr Speaker: Is it people with a small 'p'?

580 **Hon. Chief Minister:** I must tell you I tend to use it with a large 'P'.

Mr Speaker: My script here says capital 'P', I wonder if some newspaper is involved in this.

585 **Hon. D A Feetham:** Can he help us with this? What does 'revoked' mean in brackets next to a number of names? And in relation to those people that have resigned, did they resign or were they pushed?

Hon. Chief Minister: Mr Speaker, I am minded to ask Mr Bossino to tell us whether he felt –

Hon. J J Bossino: Pushed.

590 **Hon. Chief Minister:** Pushed or otherwise. Because as he will see from the list, he was one of the people who resigned. I don't know whether any of the others felt this compunction to have resigned also. They might

have thought that there was a conflict with their new parliamentary responsibilities and serving on those boards.

595 Mr Speaker, as far as I am concerned, nobody has been pushed. The revocations, as I understand it, take place because the boards have been changed completely and there is going to be a different type of board. So, Mr Speaker, he won't find any evidence here of what he is looking for, which is this *idea* that we have been cutting heads, which is what he seems to want his politics to be about, even though it is not the reality.

600 **Hon. D A Feetham:** Can he just repeat what he said about the question of revoked; we didn't quite catch it on this side.

605 **Hon. Chief Minister:** Mr Speaker, as I understand it, some boards, for example, expired at the end of the Parliament, some of them came to an end in another way and, therefore, the whole board was undone and a new board put in its place. That is the position as has been explained to me.

**Personal Assistants to Ministers Costa and Linares
Terms of Employment**

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Clerk: Question 321, the Hon. P R Caruana

615 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether the Personal Assistants to Ministers Costa and Linares are civil servants or GDC employees?

Clerk: Answer, the Hon. the Chief Minister

620 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, both posts are presently filled by GDC employees, who have been seconded to the relevant posts,

Hon. P R Caruana: Mr Speaker, the reason why I am asking and, when I did, I caught the Hon. Minister Costa's eye last month, in an attempt to remind him, and his attempt to intercede with the Chief Minister to correct the answer that he then gave last month, did not prove successful, from what I could see from here.

625 I asked last month about the number of people from GDC, Civil Service and Government companies that had been transferred or moved and the GDC was 'none' – from the GDC 'none'. We had in mind, in fact, these two posts, which is why I asked, informally across the floor, through eye glances, 'are you sure it's none'? Does he accept that these two ought to have been in the schedule last... they were not in these posts before the election and, therefore, they have been moved to those posts.

630 **Hon. Chief Minister:** Mr Speaker, if I remember correctly, I believe that the question the hon. Gentleman posed specifically used the word 'transfer' and, because there has not been a transfer, they were not included in that schedule. These continue to be secondments, and these individuals continue to be on GDC terms and conditions.

635 **Hon. P R Caruana:** So these two officers... For example, the Personal Secretary of Minister Costa, when you say she was not, – it just happens to be a lady – *she* was not transferred, what do you mean by that? She wasn't there before, she came from somewhere else.

640 **Hon. Chief Minister:** Well, Mr Speaker, I think that this is really a technical argument about what the word 'transfer' means. And the hon. Gentleman knows that a 'transfer' means a particular thing in Civil Service terms, and here there is no transfer, this person has been *seconded* to this post, though she has not been transferred. In any event, Mr Speaker –

645 **Hon. J J Bossano:** The post is still a Civil Service post.

Hon. Chief Minister: – the post is still a Civil Service post.

650 If the hon. Gentleman wants to just bear with me for a moment, he should also note that this particular officer was already, if I may say so, in the Tourism sphere of Government as GDC and, therefore, there has been no transfer out of a Department She has simply moved from the post she had in Tourism to another post in Tourism. She is a seconded GDC officer, she has not been transferred.

655 **Hon. P R Caruana:** Well, when you say that this person was in the field of Tourism, can the hon. Member be more specific, and say what exactly this lady used to do before she became the Minister's Personal Assistant.

Hon. Chief Minister: Well, Mr Speaker, I would need notice of that question.

660 **Hon. Hon. N F Costa:** Mr Speaker, to answer the question of the Hon. the Leader of the Opposition, whereas I am not sure of the *exact* title, I believe she was the Deputy Manager to the Manager at the Tourist Office in Casemates. She used to assist Ms Tiron and she used to offer VIP tours and assist in the managing of that office.

665 **Consultant to the Government, Mr E Montado, CBE**
Terms of engagement

Clerk: Question 322, the Hon. P R Caruana

670 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what are the terms of engagement of Mr E Montado, CBE, as a Consultant to the Government?

Clerk: Answer, the Hon. the Chief Minister.

675 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government approached Mr Ernest Montado, CBE, last month and asked him to provide advice and support, particularly in the transition period of the new Administration, in the establishment of internal processes, renewal of the Office of Chief Secretary and matters generally.

680 Mr Montado agreed, two weeks ago, to work for the Government; he will not be charging anything. Mr Montado informed me that he considered the opportunity of assisting my Government, as we have requested, a matter of duty in the public interest and not a chance for personal gain or remuneration. The appointment commences from 5th March 2012.

685 Given that Mr Montado has ongoing full-time work commitments in his private sector job, I wish to formally record in this Parliament my Government's appreciation for his willingness to dedicate extra time and effort to contribute to the business of the Government at *no cost* to the tax payer. I am sure that all Members will agree. (*Applause*)

690 **Hon. P R Caruana:** So, Mr Speaker, the position is that Mr Montado remains an employee of the law firm, Hassans, and that, from that position, he will, on a *pro bono* basis, be providing consultant work, be consulting for the Government, on the matters that he has listed, without fee.

Hon. Chief Minister: Yes, Mr Speaker.

695 **Hon. P R Caruana:** And what will his status be in terms of access to Government papers and will he have the status effectively of an unpaid civil servant, or will he have the status of an external consultant? What is his exact... how exactly does he fit into the public administration, in terms of the status of individual officers within it, their responsibilities and their... well, he knows what I mean by status and standing.

700 **Hon. Chief Minister:** Mr Speaker, he will be a consultant to the Government at no remuneration. He will have such access to official documents as the current Chief Secretary considers is appropriate, with the caveat that he has been reminded by the current Chief Secretary – not that, I think, he needed reminding, but just as a

matter of appropriate form – that he continues to be bound by the provisions of the Official Secrets Act during the period of consultancy, although it was, in any event, understood that that restriction applied to him, even beyond the period of his retirement – the date of his retirement in March 2007.

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Hon. P R Caruana: And will his consultation role be limited to matters of Civil Service, public administration, in terms of the running of the organisation, or will it extend to matters of policy, and things of this sort? Or is he simply advising on Civil Service *internal* organisational/management issues or is he a consultant to the Government on policy, external, inward investment... you know, the substance of policy?

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Hon. Chief Minister: Mr Speaker, as I said in my initial answer he will be consulting on the establishment on internal processes, and the development of the Office of the Chief Secretary, and how it interfaces with the Office of the Chief Minister, the renewal of the Office of the Chief Minister... of Chief Secretary and matters generally (*Interjection by Hon. P R Caruana*)

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It has been renewed in my shape, Mr Speaker!

And matters generally, and I am very happy, Mr Speaker, that that means that ‘matters generally’ will, of course, therefore, be able to include consulting on all matters, including issues of policy and issues of inward investment that the hon. Gentleman has alluded to, in particular issues relating to relationships that Gibraltar has beyond its shores, whether it be the United Kingdom, or Spain, or elsewhere.

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I know he will want to agree with me, Mr Speaker, that Mr Montado is, no doubt, imminently, and perhaps uniquely, qualified in this respect, having served Chief Ministers since Sir Joshua Hassan.

Hon. P R Caruana: Well, I am sure you meant ‘eminently’ rather than ‘imminently’, but I am not called upon to agree or disagree with him, simply to remind the hon. Member, and to ask the hon. Member, whether he considers that the appointment of Mr Montado on consultant terms is consistent with the explicit and implicit criticism made by them of *us* when we used to re-engage civil servants on consultancy terms?

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Now it is true that this is on a *pro bono* basis, which means that there are not issues of pay and pensions and things of that sort. Will the hon... Mr Speaker, the point I am expressing concerns as delicately as possible is on this business of his continued status as an employee of a particular law firm whilst, at the same time, consultant for the Government as an insider, to the Government on matters general, I mean I was not so much worried about the answer when he was limiting it to *internal* Civil Service organisational structures. If it strays, and indeed even if it got to foreign affairs in terms of relations with Spain and things of that sort, but as you know Mr Speaker there is a considerable amount of interaction between Number 6 and Government Departments, by law firms in general and by the law firm of which he is an employee in particular, being the largest law firm in Gibraltar, with the Government, and I am just questioning the range of his remit to see the extent to which others may rightly or wrongly fear that there is some perceived advantage of Hassans, in effect, having an insider, in terms of an insider consultant, within the Government, which only arises in the question of ‘generally’, not in the question of Civil Service matters.

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Hon. Chief Minister: Mr Speaker, I am not at all concerned about that. I will tell you why.

First of all, Mr Speaker, I am surprised at his reticence in wanting to share the Government’s enthusiasm that Mr Montado is eminently, or imminently, or otherwise, uniquely the best person qualified, given that he has served every Chief Minister since Sir Joshua Hassan. Now he has an opportunity, or I have an opportunity, that he should serve with me also, which is, in my view, an absolutely fantastic opportunity for the people of Gibraltar to harness his abilities.

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Mr Speaker, he has somebody sitting to his right who is a partner of Hassans. I was a partner of Hassans when I was sitting there. We all understand, as does my hon. colleague, the Minister for Justice, what a conflict of interest is and how to deal with it, Mr Speaker: most of all, Ernest Montado, who has known the administration of Government from inside out, who will be able to spot a conflict of interest, perhaps quicker than most of us. But it will be the current Chief Secretary, Mr Gomez, who will be deploying his – Mr Montado’s – abilities as he thinks fit and I am sure that Mr Gomez also will be alive to the opportunities for conflict of interest and will ensure that they do not occur.

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Mr Speaker, I am very confident that the issue that the hon. Gentleman has couched in terms which he knows are designed to be less than generous – in suggesting that a particular law firm might have an *insider* somewhere – are not issues that are going to be relevant at all in any way; especially given the standing of Ernest Montado who has, perhaps uniquely, also been Acting Deputy Governor and Acting Governor in

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760 different times that he has been in the administration, and Financial Secretary, wearing many hats, knowing always how to resolve the conflict of interest that might have arisen, never letting anyone down and always enjoying the confidence of *everyone* – or perhaps, given the reticence, I should say almost everyone that he has served and worked with.

765 **Culture and Heritage Agency**
‘Anomalies and inconsistencies’ in the structure

Clerk: Question 323, the Hon. P R Caruana.

770 **Hon. P R Caruana:** Mr Speaker, will the Hon. Chief Minister say what were the ‘anomalies and inconsistencies’ in the structure of the Culture and Heritage Agency, and the staffing and other deficiencies that needed to be addressed that the Government has said were pointed out by the Principal Auditor?

Clerk: Answer, the Hon. the Chief Minister.

775 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the review of the structure of the Culture and Heritage Agency which the Principal Auditor carried out at the request of the Government was provided to the hon. the Minister for Culture on 23rd January 2012.

780 The review reflects that the hon. Member opposite determined himself, personally, the salaries that people should earn; that the hon. Member made direct appointments of people who had previously not been civil servants, or GDC employees, or employees of Knightsfield Holdings Limited, to posts in the Agency – that is to say, Mr Speaker, the hon. Member opposite made direct appointments into the public service, not as contract officers but as permanent and pensionable employees of individuals; that the collective agreement that created the Agency has not been signed; that the collective agreement does not contain the schedules with the job descriptions of the individuals in the Culture and Heritage Agency; and that the Government had not dealt with the reimbursement of expenses due to Knightsfield Holdings in respect of payments made prior to the creation of the Agency.

785 **Hon. P R Caruana:** All those are the reasons that prompted me to ask the question. Why, even if all those were true, would they be ‘discrepancies’? First of all, why does the hon. Member think that engaging people as employees of the Culture and Heritage Agency, which is not a Civil Service, which is not a department of the Government... why he stands up in this House to say that it is a ‘discrepancy’ that the hon. Member opposite – referring to me – was, personally or otherwise, employing people directly into the Civil Service, when employees of the Culture and Heritage Agency are not civil servants. The Culture and Heritage Agency is a statutory corporation which employs people in its own right and are not civil servants. So I doubt very much whether the Principal Auditor pointed that out as a *discrepancy*. It is factually incorrect and, even if it were correct, it is not a ‘discrepancy’.

790 The Act *says* how employees of the Agency should be appointed. They are not civil servants, they are not subject to the Public Service Commission, they are appointed by the people that the Act says they should be appointed by and that is how people were appointed, *mostly*, as I recall, people, civil servants who agreed to transfer – some of them, as I recall, chose not to transfer to the Agency and, therefore, would have been left behind. Why does the hon. Member consider that any of that is a ‘discrepancy’?

795 The fact that they do not want to proceed with the Agency, or wanted to proceed with it in a different form, does not make the things that they disagreed with a ‘discrepancy’. I would need to see the alleged report of the Principal Auditor to see, before I could believe that he had described any of those things as ‘discrepancies’ and, if by any chance, he had done so, given that he is an independent statutory authority, then I could, if I so chose, challenge the results of his findings. But I am certainly not accepting the unilateral and bland statement, without publication of the document, that this is *either* what the Principal Auditor has found, *or* indeed, that it is a ‘discrepancy’.

800 The fact that they do not want to proceed with the Agency, or wanted to proceed with it in a different form, does not make the things that they disagreed with a ‘discrepancy’. I would need to see the alleged report of the Principal Auditor to see, before I could believe that he had described any of those things as ‘discrepancies’ and, if by any chance, he had done so, given that he is an independent statutory authority, then I could, if I so chose, challenge the results of his findings. But I am certainly not accepting the unilateral and bland statement, without publication of the document, that this is *either* what the Principal Auditor has found, *or* indeed, that it is a ‘discrepancy’.

805 Can I further ask the hon. Member why he describes as a ‘discrepancy’ in the structure of the Culture and Heritage Agency that the collective agreement establishing it has not been signed? The Agency is not *signed*. The Agency was not established by agreement, it was established by Act of this Parliament. I *assume* that he

815 is referring to the agreement between the Agency and the Unions relating to labour issues, which have nothing
to do with the structure of the Culture and Heritage Agency and all anomalies and inconsistencies in it. Does
the hon. Member, therefore, agree that, intentionally or otherwise – if he allows me the opportunity to, I will
assume unintentionally – by the use of the juxtaposition of concepts, such as ‘Principal Auditor’, ‘review’,
‘anomalies and inconsistencies’, he gives an impression – which he has certainly not been able to sustain by
what he has said in this House today on this question – which are neither factually correct, nor were they
correct, nor had they been correct, would they amount to ‘discrepancies’. They may be things which he would
820 have done differently, which he does not agree with, but they are not ‘discrepancies’. I do not accept that I
personally employed people into the Culture and Heritage Agency.

Hon. Chief Minister: Mr Speaker, I am not going to accept that the juxtaposition of words in a
Government press release do or do not do one thing or another unless, of course, the hon. Gentleman is
825 offering to consult to my Government at no fee whatsoever, in which case I would be delighted to take him
on, if he likes to draft press releases after he has foregone, or been done away with, on that side of the House.

Mr Speaker, the words ‘anomalies and inconsistencies’ are words chosen carefully. We have alluded today
in this House to the things that we consider to be the anomalies and the inconsistencies, which the Principal
Auditor has set out. It is very clear to us –

830 **Hon. P R Caruana:** Well, publish the report.

Hon. Chief Minister: – and he does not need to explain it to us that the collective agreement does not set
up the Agency. The collective agreement is the agreement with the Union in respect of the transfer of
835 individuals into the Agency and it is that which has not been signed.

Mr Speaker, the fact is that what the Principal Auditor has uncovered shows that the hon. Gentleman was
employing people – and I said ‘public service’ – into the public service *a dedo*. In other words, he was
choosing them for himself and bringing them in when he wanted.

840 Mr Speaker, in Spanish, that has another word that conveniently describes what happens when people are
given jobs in that way. We have set out very clearly what the anomalies and the inconsistencies were. We
consider them to have been important enough to have issued a statement. They are in a review carried out by
the Principal Auditor and I think it is appropriate to have brought this to the public’s attention.

Hon. P R Caruana: Mr Speaker, will the hon. Member *publish* the report of the Principal Auditor? After
845 all, it appears to be highly critical of my Government and of me in particular, and I am the one who is calling
for its publication. Will he lay on the table in this House a copy of the Principal Auditor’s report?

Hon. Chief Minister: Mr Speaker, it is not that I am minded not to do so. I am happy to give *him* a copy
of the report so that he can, if he wishes, present such defence to the public as he thinks is appropriate.

850 The concern I have about publication – and he will know that I was the one always pressing for
publication of reports – is that this specific report actually identifies *by name* individuals, not by grade and
their salaries, but I am happy to let him have it so he can construct *his* public position, in respect of that report
with sight of it, as long as he agrees with me that the names of the individuals referred to in it should not be
disclosed, either in his, or our, debate on the subject.

855 **Hon. P R Caruana:** Mr Speaker, I agree, but does the hon. Member acknowledge – and I would be happy
to receive it on those terms – that when I have asked him...

The Government’s press release said:

860 ‘anomalies and inconsistency in the *structure* of the Culture and Heritage Agency and the staffing and other deficiencies that needed
to be addressed.’

That was... and I have asked him, will the Chief Minister say what these anomalies and inconsistencies in
these – and I have used the same language thereafter – what they actually were and he has said:

865 ‘...discrepancies, the hon. Member made direct appointments and salaries... of civil servants or GDC employees.’

Well, Mr Speaker, my recollection of the matter is that these things were decided at a board meeting, in

870 which I had as much influence... (*Interjection*) Well, Mr Speaker, this is why I want to see the report, this is
why I want to see... it is all very well for the hon. Members to bandy about the words 'The Principal Auditor'
and others in an attempt to gain traction. I will see the report and I will certainly agree to respect the names...
875 or not to name the names of the people and thereafter I reserve the right to deal with the contents of the report
in whatever way I consider is effective to dispel any false impression that the Government's statement may
have made and which the answers he has given... he has given three examples today. He has said, collective
agreement establishing the Agency not signed, well, now he accepts that the Agency was not *established* by
an agreement. He has said that I was employing people directly as civil servants and GDC.

Hon. Chief Minister: Public servants.

880 **Hon. P R Caruana:** You said civil servants.

Hon. Chief Minister: No, I said public servants.

885 **Hon. P R Caruana:** As employees of the Authority and that I was making... personally choosing the
salaries. Those are the three instances that he has given. (*Interjections*) Yes.

Hon. Chief Minister: Will the hon. Member give way?

Hon. P R Caruana: Yes.

890 **Hon. Chief Minister:** There is a substantive argument to be had here, but there is also this argument, that
in what I have read out about the collective agreement, I have not said anywhere that that established the
Agency. I do not know whether he misheard me, I said that the collective agreement has not yet been signed
and that the collective agreement does not contain the schedules with the job descriptions of the individuals in
895 the GCHA. I have not said the words 'collective agreement and establishment' anywhere.

Hon. P R Caruana: Mr Speaker, is he reading from his original answer?

Hon. Chief Minister: Yes, except it is all scribbled over.

900 **Hon. P R Caruana:** We will have to defer to *Hansard*. I am almost certain because I made a note of it:
'establishing an agency has not been...' (*Interjections*)

Hon. Chief Minister: I will send across a photocopy of it.

905 **Mr Speaker:** If it is of any help, I have been following the answer read by the Hon. Chief Minister. It is
exactly per the script I have in front of me and there was no reference to 'establishing' the Agency.

Hon. Chief Minister: Mr Speaker, and just in respect of the other issue that he was referring to, I have the
Government press release here.

910 The Government press release also does not say what the hon. Gentleman thinks it says, but it may be that
he has got a copy of a report of the press release. The press release itself, which, as he knows, is available on
the website is:

915 'This has confirmed that there were a number of anomalies and inconsistencies in the structure that was left behind by the previous
Administration and has pointed out that a number of staffing and other issues need to be addressed.'

Mr Speaker, we think it is actually quite important, in respect of the collective agreement, that the job
descriptions should be attached, because those are very important in respect of what it is that people are
920 expected to do. So that is why we attach importance to *that* particular issue.

If I could just take one of the issues up that he mentioned in his final supplementary, he said that he
reserved the right to deal with the report in any way that he felt appropriate. Of course, I accept that. He is
free to do that, as long as it is within the earlier representation, that the names etc would not be disclosed.

Hon. P R Caruana: I accept.

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**Gibraltar Parliament website
Date when available**

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Clerk: Question 324, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, I think I can almost withdraw this question. I think the Government, since I put this down, has put out a press release answering this question, has it not?

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Hon. Chief Minister (Hon. F R Picardo): If he wants to ask if there is more information, then...
[Inaudible]

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Hon. P R Caruana: Yes. The purpose of asking the question, which is one that I was hoping the hon. Member would agree with – and I am sure he does – is that it is quite important at the earliest opportunity for Parliament not to look like an extension of Government and that, therefore, the Parliament should have its own website and not *gov.gi* and that presumably is the fact. Since then, he has announced already that it is ready, that the website is ready and up and running and all that.

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Hon. Chief Minister: Mr Speaker, I am grateful and I know that he must be a convert to that because, in the time that he was in Government, there was only one.

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I know, Mr Speaker, that the whole House will want to thank the Clerk and the officers of this Parliament, together with the Government's IT and logistics department, for having delivered this positive change that is a manifesto commitment, but there are still further developments to come in the future as the website evolves to provide video of the proceedings of the Parliament and other functionality, such as e-mail addresses for each Member, that I think will make it easy for us also to distinguish when people are approaching us as Ministers, while other people are approaching us as Members of Parliament.

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He will know, and I am sure will agree with me that, although a sterling job has been done of putting all the *Hansards* of the business of this House, since the last election, on line for all of us to be able, and the general members of the public to be able, to access, that we are seeking and, hopefully, very soon will be also having available all the *Hansards* that were already digitally available to all of us on CD on that website also, which I think goes back to 2002 or 2003. Thereafter, there is a process of digitisation in some way of the even earlier *Hansards* until we get back to 1969.

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Hon. P R Caruana: He may be interested in knowing that there is now a *local* company that will scan all *Hansards* from printed form into searchable electronic form, which would allow the hon. Members to put *all* *Hansards*, going all the way back into the past, on the same website.

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Hon. Chief Minister: Mr Speaker, I am grateful for that. I think that we are aware of that. He may also be interested in knowing that there is a particular charity that may be interested in contracting such entities to provide that service for nothing, for no cost to the Parliament, so that those are available as searchable documents for anyone who may want to come to look into the more historical aspects of what the business of this House has been.

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Hon. S M Figueras: Mr Speaker, just as an issue that I identified yesterday it appears that there may be an issue, which I have already brought to the attention of party headquarters and asked that they liaise with the Department, in relation to the searchability of the latest versions of *Hansards* for the meetings we have had since the new session was opened by Mr Speaker. I found it impossible to actually search those documents electronically and I am merely raising the issue simply so that it may be looked at, at some point.

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Hon. Chief Minister: Mr Speaker, if I may say so to the hon. Gentleman, although I am not here to give him advice, what he needs to do, is he needs to download the document: it then becomes searchable and, depending on which web browser one is using when you open the PDF document in a browsing page, you

may or may not be able to search it.

980 If the hon. Gentlemen were to download that particular PDF – and it will take a few seconds to do so – then if he goes to ‘edit’ and ‘find’, he will then be able to put in any term that he might want to find, for example Figueras, and it will take him directly to it.

985 **Hon. S M Figueras:** I am grateful to the Hon. the Chief Minister for his advice, even though he realised he did not need to give it to me. I can assure him that I have done everything that he has advised and I was just wondering whether, perhaps, there was a glitch in the new system of recording the proceedings here in this House.

Hon Chief Minister: Is the hon. Gentleman talking about the audio recording or the –

990 **Hon. S M Figueras:** No, the PDF download.

995 **Hon Chief Minister:** Well, Mr Speaker, I am surprised at that because I have not had that problem, so it may be a glitch in some machine that he is using. But these are not necessarily issues that we need to tie the House up on. Let us take them offline, if I might suggest...

**Mediterranean Hotel demolition
Contractor carrying out work; cost**

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Clerk: Question 325, the Hon. P R Caruana.

1005 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say which contractor is carrying out the demolition of the ex Mediterranean Hotel and at what cost?

Clerk: Answer, the Hon. the Chief Minister.

1010 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the demolition of the ex Mediterranean Hotel building is being undertaken by GJBS as part of the works they are doing on site in respect of the maintenance of the site for the completion of the tunnel under the runway. The forecast outturn for this work is £706,721.

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**GSD Government Employees
‘Highly paid cushy jobs’**

Clerk: Question 326, the Hon. P R Caruana.

1020 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister provide the list of names of the ‘large number of people’, who according to the Government were GSD supporters and were employed and kept by the previous GSD Government in highly paid cushy jobs.

1025 **Clerk:** Answer, the Hon. the Chief Minister

1030 **Hon. Chief Minister:** Mr Speaker, no sir, for a simple reason: we will not engage with the hon. Gentleman’s attempt to have individual civil servants, employees of the GDC, or other public servants, named in this House, as his question requires. He knows, we know, and the public know, which of his supporters he ‘plugged in’ to these highly paid cushy jobs for his own partisan political reasons. But we will not allow him to turn this Parliament into a circus by pandering to his provocations.

Hon. P R Caruana: No, Mr Speaker, I think the hon. Members answer is disgraceful (*Laughter*) and it is

1035 yet another example of his willingness to cast aspersions and then his unwillingness to make good on them. The hon. Member puts out a Government of Gibraltar press release in which he says that a large number of people who were GSD supporters were employed and kept by the previous GSD Government in 'highly paid cushy jobs' and when asked to identify such people which, contrary to what he has just said, *do not exist* he refuses to do so. And I tell him that he refuses to do so because they do not exist and *not* for the reason that he now gives as a pretext, after the event, in his usual typically cowardly self form.

1040 **Hon. Chief Minister:** Mr Speaker, the only coward in this House is the man who has just sat down. The fact is, Mr Speaker that we could spend the next four years fighting over the things he did wrong, and in many instances we shall have to continue to shine the cold light of day on some of the abuses that the hon. Gentleman perpetrated whilst he was in office. But to ask us to identify *by name* those people now, Mr Speaker, is to ask us in our view to break the rules of this House, to discuss individuals who are not here to defend themselves.

1045 Mr Speaker, he knows that he *did* put people into highly paid cushy jobs, (*Interjection by Hon. P R Caruana*) simply because they are –

1050 **Hon. P R Caruana:** Mr Speaker, point of order. On a point of order, this is not acceptable. He cannot continue to assert that I know that I put people personally into 'high paid cushy jobs' when I am telling him it is not true. He is, in effect, saying that I am lying. I am asking him to make good on his statement by identifying the people: he refuses to do so – I tell him because they do not exist – and he insists on repeating the allegation but without naming the people.

1055 I say that he is a coward and that he is misleading public opinion. Such people do not exist. He must either withdraw or make good on his statement.

1060 **Hon. Chief Minister:** Mr Speaker, just on the point of order, not only am I not lying, and not only am I not a coward, it is transparently obvious that we have really put our finger in the wound on this issue. The hon. Gentleman knows just how vulnerable he is, on this particular abuse that he perpetrated whilst he was in Government.

1065 Mr Speaker, it is absolutely incredible to hear Peter Caruana get up in Parliament and suggest that he was not the person who has given more jobs for more boys than any other Chief Minister in the history of Gibraltar. (*Applause*) Mr Speaker, his premiership will go down in history as one which, in particular towards the end, tilted completely towards partisan favour of those who were his supporters.

1070 I am quite happy, when tempers are less frayed and we are having a cup of tea, to share the names with him, but I will not share them with him across the floor of this House, because I will not fall into the temptation of bringing the names of individuals who cannot defend themselves into this debate. But I will tell him one thing, when I give him the copy of the report from the Principal Auditor, he will see a couple of names there which might ring a bell!

1075 **Hon. P R Caruana:** Well, Mr Speaker, he continues to do what the *Gibraltar Chronicle*, in a recent editorial, said was completely unacceptable in civilised democracy, which is trial by Government. He is a prime practitioner of trial by insinuation, trial by suggestions, trial by Government statement and trial by implications of all kinds.

1080 When asked to make good on his very serious allegation, he continues to wriggle on the hook like a fish and refuses to say... look Mr Speaker, if I felt vulnerable as he alleges about the large number of people that he thinks I have employed into 'cushy jobs' because they were GSD supporters why on earth would I be raising the question and asking him to list them and raising the whole matter in Parliament, I tell him that there are no people who were put into highly paid cushy jobs because they were GSD supporters, The only thing I will admit is that because we were in office for so many years, we put 8,000 people in jobs (**A Member:** Hear, hear.) that did not have jobs before, Mr Speaker.

1085 I will continue to hold him publicly to account for his refusal to make good on his statement, which is that he has made this allegation against the previous Chief Minister and the GSD Government, and he refuses to provide details of the alleged GSD supporters who were allegedly put in to, and kept, in highly paid 'cushy jobs' in the Government by the Chief Minister because they... That is a serious allegation of political nepotism, probably political corruption, which he will either make good or repeat outside of this House and answer for it.

1090 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman has taken leave of his senses. He started his question by saying that we have said it in a Government press release – so we have repeated it outside this House.

Mr Speaker, I almost pity the hon. Gentleman. He really is almost like the melting snowman, disappearing in stature politically before our very eyes in this House. Does he think that anybody is going to believe that he created 8,000 jobs? Everybody knows, Mr Speaker, that most of the jobs that he likes to boast about creating walk across the frontier every morning.

1095 Does he really expect that anybody is going to put any credence to the allegation that what is happening today, by the provision of complete and utter openness by this Government, amounts to ‘trial by Government’?

1100 Mr Speaker, trial by Government is what the hon. Gentleman did, or tried to do, against me in May last year, trying to impugn my fitness for the office that the people of Gibraltar determined I should hold on 8th December 2011. Trial by Government is what the hon. Gentleman has done to many people who he did not believe were his supporters, where he deployed the full force of the state against them, incurring such cost as may be required for him to triumph and sometimes even saying to people, ‘I will see you in the Privy Council’. Mr Speaker, I have only ever heard of one other person doing that before in history and that was Robert Maxwell, who was famous for saying to people, ‘I’ll sue you all the way up to the House of Lords and you will run out of money before I do’.

1105 Mr Speaker, I stand by everything my Government has said on this issue and the *enchufes* are over. (Applause)

1110 **Hon. P R Caruana:** Well, Mr Speaker, it may interest the hon. Member to know that, certainly, neither I nor anybody on this side of the House, or in this House, have changed their minds about the comments that were made about the very serious judgement issues that afflict and continue to afflict and affect the hon. Member in terms of the discharge of his professional duties, and time will tell whether those concerns were well founded or not, and I think as he said before that we would have to wait this morning for twenty years until, whatever, the context of Mr Bossino this morning twenty years until, time will tell whether those issues will come back to haunt anybody.

1115 Now Mr Speaker, I am not going to press further in this House except to say to the hon. Member, that presumably the GSD supporters in question, the large number of people who, according to the Government, were GSD supporters and employed and kept by the GSD Government in ‘highly paid cushy jobs’, and which I say do not exist. Can the hon. Member say whether these people that he claims do exist are *still* in highly paid cushy jobs, this large number of people in highly paid cushy jobs, are they still in those highly paid cushy jobs?

1120 **Hon. Chief Minister:** Mr Speaker, as to my ability to discharge my professional duties, we will see what time tells, not just about me but about others, because we remain of the same view about some of the Gentlemen sitting opposite, that they might remain in respect of us.

1125 But, look, let us be very clear: they have got a conflicting mantra of opinion. One day they say that there is a GSD witch hunt and the next day they ask us whether we have maintained these highly paid GSD supporters in their jobs. Yes we have, Mr Speaker, because we haven’t cut off any heads!

1130 **Hon. P R Caruana:** Oh, I see. So there are ‘highly paid cushy jobs’ in his Government, then, and they are all occupied by these GSD supporters that he alleges we shoehorned into these positions. That situation is going to continue, is it?

1135 **Hon. Chief Minister:** Mr Speaker, there is no witch hunt. Therefore, people who have jobs will retain their jobs.

I will only tell him this: everyone I speak to within the machinery of Government is constantly reminding me of the freshness that there is now in the administration, how people are allowed to get on with their jobs, and how there is so much more work to do. So it may be that the ‘cushiness’ is over.

1140 **Hon. P R Caruana:** No, Mr Speaker. The cushiness appears not to be over!

I am now very concerned that there are people in the Government who, in his view, were not just put in there by us, but *kept* by us: if they were *kept* by us, they are being kept by him now, in ‘highly paid cushy job’.

1145 The phrase ‘cushy’ means a job that is not really required, or is over remunerated or overvalued and, in the name of not cutting off heads – another joke – he is going to continue this situation *indefinitely*. Well, Mr Speaker, who does he expect will believe that there are GSD supporters who are so *in* with the GSD that they were ‘employed into and kept in highly paid cushy jobs’ in the Government, and that they will continue to be kept in these ‘highly paid cushy jobs’ by the hon. Members opposite? This is much more than the call of duty requires in terms of not cutting heads!

1150 If there are people in ‘cushy jobs’ in the Government, they have an obligation to the taxpayer – for which I am sure the Principal Auditor will be very interested – in not keeping them in such posts.

1155 **Hon. Chief Minister:** Mr Speaker, I note what the hon. Gentleman says, and I will regard it as licence to deal with anybody who I think has got a job that is not required or is over remunerated in a way that ensures the best outcome for the taxpayer, regardless of their political affiliations, but what we will *not* do is because of the improper way in which someone may have alighted upon a job now deal with them also improperly.

1160 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Members threatening tone and facial contortions is their *real* colours and he has let his mask slip. So what he said was, now that you have persuaded me not to carry on being a nice chap on this question, *I will deal with this matter* in the way in which these questions give me licence! His mask has slipped: this is his real instinct. (**Members:** Oh!)

1165 **Hon. Chief Minister:** Mr Speaker, look, I mean the hon. Gentleman can make fun of my physical affliction today if he likes, but making fun of physical afflictions is not something I commend to him, because he might find that we have a joke at *his* expense. But I have got my Strepsils, and that is what is causing the tone of voice...

What I have said, Mr Speaker, remains, that we will not be in any way dealing with people who are now in the public service in a way that is the witch hunt that they would like to see us pursuing, in order to criticise us for it, and because it is not happening they are trying to pretend is occurring.

1170 **Mr Speaker:** There should be a question there.

1175 **Hon. P R Caruana:** Does the hon. Member understand or accept that there are few people in Gibraltar who do not believe they are engaged in a witch hunt? I mean, there are all number of people who have suddenly moved, gone, rolled the directors of the bus companies, you know, and this always gets trotted out as some consensual arrangement...

1180 *Nobody* in Gibraltar believes that the hon. Members have not engaged in a witch hunt. What everybody in Gibraltar believes is that they have conducted a witch hunt whilst, at the same time, saying all the right things, in other words, *doing* much of the opposite of what they have been saying. Does the hon. Member accept that there is scope for that view to be held in Gibraltar?

Hon Chief Minister: Mr Speaker, not only do I not accept it but the hon. Gentleman needs to know that, simply because he tries to use a particular turn of phrase, people will not be persuaded by what he is saying.

1185 He gets up and he says, ‘nobody in Gibraltar believes’, ‘everybody in Gibraltar believes’... Look. it may be, Mr Speaker, that he comes to this House and he thinks that he can get away with that. I can tell him all the people in Gibraltar who do not believe that, who approach me. And he can tell me the people in Gibraltar who approach him who, he might say, believe it or do not believe it, but he cannot speak, Mr Speaker, for ‘nobody in Gibraltar’ or ‘everyone in Gibraltar’, and, perhaps most importantly, Mr Speaker, thank goodness, he cannot speak for Gibraltar any more.

1190 **Clerk:** Question –

Mr Speaker: The Hon. Daniel Feetham.

1195 **Hon. D A Feetham:** Does the Hon. the Chief Minister accept that all these references to the Principal Auditor might create the perception that you are, in fact, politicising the office of the Principal Auditor, and politicising it in a way that he is being asked to conduct GSLP or Government’s witch hunts? Does he not accept that that is a possible perception?

1200 **Hon. Chief Minister:** Mr Speaker, there is absolutely no question of the office of the Principal Auditor being politicised because the Government refers issues to him, and I think the hon. Gentleman does a very serious disservice to the public administration of Gibraltar, and to the office of the Principal Auditor in particular, by raising that particular issue in that particular way.

He is wrong, Mr Speaker, and it will not happen, because the Principal Auditor will not allow it to happen.

1205 **Hon. P R Caruana:** Mr Speaker, the Principal Auditor is an independent constitutional postholder. If the Principal Auditor thought that anything that had happened under my Government, or the previous Government, or the Government before that, were somehow improper, he has not only the *power* but, indeed, the *constitutional duty* to investigate it and report on it. Yet, he has not done so.

1210 All of a sudden, the hon. Members arrive in office and then he issues a plethora of reports, all at the hon. Member's political request. Are the hon. Members suggesting that the Principal Auditors in the past have all been in dereliction of their duty?

Hon. Chief Minister: Mr Speaker, this is so far from the question that it is absolutely ridiculous that we should be pursuing this line but I am happy to take a supplementary.

1215 The fact is that the Principal Auditor, in his constitutional role, can only deal with the information that he has and he has never had access to this information. What we are doing is giving him the information so that he can look into it.

Mr Speaker, the hon. Gentleman will know that we have in our manifesto, in particular, already on page 11, set out how we will change the legislation in order to give greater jurisdiction to the Principal Auditor, a jurisdiction which he has been asking for in Principal Auditor's reports for many years now.

1220 I do not believe that Principal Auditors before have been in dereliction of their duty: I think they have not been provided the information with which they could make the reports that they are making now that the information is being provided to them.

1225 **Hon. P R Caruana:** Mr Speaker, it seems to me that the hon. Member has no clue of how the Principal Auditor is constituted and what his powers are. He has said the Principal Auditor had never had access to information... the Principal Auditor, as a matter of his office, has statutory right of access to *all* Government information and documents in howsoever to do with the spending of public money, the raising of public money, the accounting of public money. Therefore, Mr Speaker, if the Principal Auditor had thought that any of this was the case he has, as he has done on value for money things, completely spontaneously in the past, he would have asked questions, made statements in his report on the Government accounts.

1230 The idea that the Principal Auditor does none of this for 16 years, not even in respect of the previous 8 years, before the last 16 years, and now, all of a sudden, along comes this new Government and the Principal Auditor is suddenly *invited* to conduct reviews which the hon. Members then publish the results of in press releases... well, Mr Speaker, the Principal Auditor is not an instrument in the hands of the Government!

1235 **Hon. Chief Minister:** Mr Speaker, where is the question?

1240 **Hon. P R Caruana:** The question is, does not the hon. Member share my view that, if he asks the Principal Auditor to look into something, the Principal Auditor should be allowed, as a separate authority as he is, to announce the results of what he is looking into, not have the Principal Auditor, that is supposed to be *independent*, do an enquiry at the request of the Government and then the Government decides what treatment it gives it in a Government press release?

1245 Does he not understand that that exposes us all to the risk implicit in my hon. colleague, Minister Daniel Feetham's question, that there is a risk that the Principal Auditor will be seen as a political instrument in the hands of the Government for *their* political purposes, which would not be the case if they just referred matters to him, if they want to and let him conduct his investigations and announce the results in, presumably, his technical and non-political way? Does he not agree with that?

1250 **Hon. Chief Minister:** Mr Speaker, there is absolutely no credence in what the hon. Gentleman is saying—no credence whatsoever.

Mr Speaker, nobody here speaks for the Principal Auditor. The Principal Auditor speaks for himself when he wants to and the fact that we are having this debate, frankly, in my view, leads us only down the path of it

being possible to suggest that the hon. Members opposite are the ones impugning the independence of the Principal Auditor.

1255 Mr Speaker, is it that the hon. Gentleman has now chosen to ignore the practice in other democracies? Doesn't he know that the National Audit Office in the United Kingdom will issue reports, or not issue reports, as it wishes, but that Government and Opposition, and Members of Parliament in the United Kingdom, will have access to those reports and make press releases themselves, whether or not he has made press releases about it, whether the actual Audit Office has made press releases about it when they consider might be

1260 appropriate?
We do not accept anything that the hon. Gentleman has said except this, Mr Speaker, that we understand that they find themselves in a very, very difficult bind because an independent constitutional authority like the Principal Auditor is making findings that *they don't like*, and they have to do everything possible to impugn the office and to impugn the independence of that office, because that is the only political corridor left open to

1265 them.

Hon. P R Caruana: Mr Speaker, the Principal Auditor has neither made any findings that we don't like, nor do we impugn him. We believe that the Government is the one impugning.

1270 Mr Speaker, the hon. Member condemns himself by his own words. Does he not agree with me that the example that he has cited in the United Kingdom is absolutely apposite. Members of the Opposition and members of the Government will, indeed, comment on reports and investigations and statements by the equivalent of the Principal Auditor that is probably called the National Audit Office, or the Auditor General, I think he is called in England, but only after *he* has made his investigation and *he* has published his report. The Director General of the National Audit Office does not – whether he conducts the investigation or the enquiry of his own motion, or at the Government's request or at the Opposition Member's request – does he not agree, he does not send his report to a Minister so that the Government then puts out a public release, commenting on the outcome before the man's report has been published by *him*? This is precisely the distinction that I am trying to draw.

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1280 One thing is to comment or not comment on a report once it has been issued and another thing is that the only publication of the Principal Auditor's so-called reviews and investigations are not what *he* says but what the hon. Members choose to quote from what he says. Then the rest of mankind has got to take it at face value that this is not a selective, that this is not an inaccurate, that this is not... and therein lies the degree of politicisation. If the hon. Members want transparency, (*Interjections*) will he agree to allow the Principal Auditor to publish his own reports and to decide whether he conducts enquiries, or not, into whatever factual situation the hon. Member wants to put in front of him with their perfectly welcome... and, indeed, free to do, as we are.

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Mr Speaker: There was a question there from the very outset, albeit it took a long time to conclude.

1290 **Hon Chief Minister:** A very long time Mr Speaker.

It cannot be otherwise than the Principal Auditor only investigates things which he wants to investigate when they are brought to his attention by us, or by anybody else, or when they come to his attention by his own motion. Or is it that he thinks that we *make* the Principal Auditor investigate things? Is that what he is saying? That is plainly ridiculous, and that impugns the office of the Principal Auditor because it suggests that he is a tool in our hands, when he is not, Mr Speaker.

1295 We have given information to the Principal Auditor, which *he* has reviewed and *he* has prepared reports. Am I in the same Parliament I was in 20 minutes ago when I told the hon. Gentleman that I would give him a copy of the report and review carried out in respect of the Culture and Heritage Agency by the Principal Auditor? Am I in the same Parliament, Mr Speaker, because it appears that the hon. Gentlemen has wanted to forget that?

1300 Mr Speaker, if we give information to the Auditor and he decides it *is* appropriate to investigate and he *does* investigate and he *does* make a report, is he saying that the Government is not free to publicise the issues set out in the report? Well, that, Mr Speaker, if he is saying it, is plainly ridiculous – plainly ridiculous. (*Interjection by Hon. P R Caruana*) Because, Mr Speaker, if the Principal Auditor has felt it appropriate, in a review or a report he is asked to do by the Government, given his constitutional responsibilities, and he brings to the notice of the Government something which the Government believes should be brought to the attention of the public, the Government will do so, in particular because of our commitment to transparency and

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1310 openness. If we can publish the reports, Mr Speaker, we will publish the reports, depending on how they are couched, and I have told the hon. Gentleman not *half an hour ago* that, in the instance of the Gibraltar Culture and Heritage Agency, we are unable to publish it because it contains such level of personal detail that it would be unfair to the people referred to in it to publish it.

1315 That, Mr Speaker, will be the proper and open attitude of my Government as long as we are in office. He obviously thinks we have got it wrong, and he can spend the next four years trying to persuade people that *his* style of Government is right, and *ours* is wrong but, on this issue, Mr Speaker, we uphold the independence of the Principal Auditor. We think he is doing exactly the right thing in respect of the matters that we refer to him, we have a manifesto commitment to give him wider powers and, Mr Speaker, that is the right track to be on.

1320 **Hon P R Caruana:** Mr Speaker, with the greatest of respect to the hon. Member, it is *he* who distorts the status of the Principal Auditor, it is *he* who challenges its independence, as always saying one thing and doing the very opposite.

1325 Look, Mr Speaker, it is not he or I who decide the status of the Principal Auditor. The status of the Principal Auditor is established in the constitution and the Principal Auditor is not an officer of the Government or a tool of the Government, he is an Officer of *this House*.

Hon. Chief Minister: Absolutely right.

1330 **Hon. P R Caruana:** No, well, that is not consistent with what he has been saying. He has been an Officer of this House. The Principal Auditor, who is an independent constitutional authority should not report to the Government, he should act like an independent or statutory authority and publish his reports *himself*, (*Interjections*) not hand them surreptitiously to a Government Minister, for them to distort and abuse for political purpose. That is how it happens everywhere else in the democratic world.

1335 We made the improvement of making the Principal Auditor, in the last Constitution, an Officer of this House. The House will have noticed that the accounts of Gibraltar and the Principal Auditor's report are no longer tabled in this House by the Minister for Finance, as they used to be. They are now tabled in this House *directly* by the Principal Auditor.

1340 The Principal Auditor is an Officer of this House. He should answer to this House, he should respond to this House and the hon. Members should allow him to publish his own report and then we can all comment about it. The hon. Members opposite, as a Government – I would invite them to agree with me – should *not* commission reports from the Principal Auditors, *receive* them, keep the reports to themselves and then make two and a half line allusions to them in a Government press release. That is a *direct assault* on the independence and political non-involvement of the office of the Principal Auditor.

1345 **Hon. Chief Minister:** Mr Speaker –

Mr Speaker: Order, one moment.

I will allow the Hon. the Chief Minister to respond to that, but I think we have strayed from the question.
The Hon. Chief Minister.

1350 **Hon. Chief Minister:** Mr Speaker, distortion, distortion, distortion! He does not want to ask a supplementary about the issues as they are; he wants to ask a supplementary about the issues as he wants them to be.

1355 Mr Speaker, I am not saying that the Principal Auditor reports to the Government. Of course, the Principal Auditor, as a constitutional officer, reports, not just to this Parliament, but to the public, because he has a public office. But when we ask him to do a review and he agrees to do a review for the Government, he sends the report to the Government. And, Mr Speaker, the hon. Gentleman opposite's problem is this, the Principal Auditor feels comfortable with that because he has agreed to do it.

1360 The Principal Auditor, who is the constitutional officer, who is responsible for his independence, *feels comfortable with that*, and has done so. And Mr Speaker, given the openness and given the transparency that we are committed to, we will publish those reports which he provides to us which we are able to publish.

**Government adverts in Gibraltar newspapers
Whether ‘political corruption’**

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Clerk: Question 327, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say why he thinks that the placing of Government adverts by the previous GSD Government in the *7 Days* newspaper was ‘political corruption of the worst sort ever seen in the political history of Gibraltar’ – he was probably away from Gibraltar that day – but advertisements placed by the GSLP Liberal Government in the newspaper owned by Mr Joe Garcia are not political corruption of the worst sort ever seen in the political history of Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the answer to this question is so obvious that we are surprised that the hon. Gentleman wants to embarrass himself by having us spell it out. But it has been an afternoon of that, anyway.

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Panorama has been a registered newspaper since 1977. It has received Government advertising since that date, but *Panorama* carries adverts from many other sources alongside Government adverts. *Panorama* has never been a free publication; it has always been available for sale. By continuing, for the past 100 days, to place Government notices in *Panorama*, the GSLP liberal Government is only continuing a process established by the AACR, the first GSLP Administration, and the hon. Gentleman’s Government that, in particular, for the past 16 years... Mr Garcia, the editor of *Panorama*, is a recognised journalist in Gibraltar and internationally.

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The *7 Days*, which started publication in about early 2006, was before the Election a free publication funded exclusively, or almost exclusively, by Government advertising, in almost equal measure to that provided to established daily publications like *Panorama* and the *Gibraltar Chronicle*, although the *7 Days* was weekly. *7 Days* received £156,000 of such advertising, even though the publishing company was struck off in 2010 and never registered for PAYE or Social Insurance purposes. It was still receiving massive amounts from his Government, despite his protestations that, in the case of the *Vox* newspaper, the withdrawal of advertising from that paper was due to arrears of payment of PAYE and Social Security. (**A Member:** Oh!)

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Mr Speaker, the sole editorial purpose of the *7 Days* was to praise the previous Administration, and to denigrate the parties now in Government and, in particular, the Hon. Mr Bossano and/or myself – not that we cared, nor did it do the Members opposite much good. Indeed, I have it on good authority that the writers of the diatribe which that newspaper carried before the Election may very well have been some of the Members opposite, some of their now departed colleagues and some of their well-remunerated supporters. (*Laughter*)

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Indeed, Mr Speaker, the use of taxpayer’s money to fund *7 Days*, as if it were a weekly manifesto for the party opposite, imperilled the good government of Gibraltar and the basic tenet of democracy, that the assets of the state should never be used to advance the cause of the party in office. That, Mr Speaker, broke down under the GSD Administration so dramatically in the case of the funding of the *7 Days*, with Government advertising, as one other daily newspaper put it at the time that the advertising costs of *Chronicle*, *Panorama* and *7 Days* were published, let me just say this, people can make up their minds for themselves. (*Applause*)

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Hon. P R Caruana: So, leaving to one side the sanctimonious diatribe with which the hon. Member has padded his speech, it all boils down to the fact that the *Panorama* has been going for longer, that is has one or two advertisers more, other than the Government, than the *7 Days* newspaper and that it is free, as if free newspapers are somehow illegitimate, when free newspapers, without a cover price, that rely for their revenue on advertising is now more or less the common form rather than the exception.

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And that is the basis – oh, and that he alleges that a company that was previously the publisher was struck off and, presumably, replaced by some other publisher, and that he alleges, quite improperly, since he should not be making public statements about tax payers’ individual tax matters, (*Interjection*) he is alleging that they did not pay PAYE – these are the reasons why one is the ‘greatest act of political corruption’ ever seen in the political history of Gibraltar, but the placing of advertisements in the newspaper owned by Mr. Joe Garcia who, as we all know, is the father of the Deputy Chief Minister –

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Mr Speaker: Order, Order. Order! Order! When this question was first posed I did bring to the hon.

Member's attention that, while it is permissible to refer to the name of the individual concerned, no reference should be made to relationships to Members of Parliament.

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Hon. P R Caruana: In the question I put.

Mr Speaker: Well, with respect, if it applies to the question – (*Animated interjections*)

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Hon. Chief Minister: This must a question too. [*Inaudible*]

Hon. P R Caruana: Does he not, given that he has said that the sole editorial purpose of the *7 Days* was to praise the GSD, Mr Speaker... when has he ever read an anti- or a critical-of-the GSLP or Liberal party statement in the *Panorama*? It is even more sycophantic of the Government... is it not even more sycophantic of the Government than the *7 Days* ever was of the previous Government?

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Mr Speaker, to my knowledge, no editor of the *7 Days* newspaper ever stood for election as leader of the political party that is now one of the two political parties of the coalition that form the Government, but the editor, the owning editor, of this newspaper, has done precisely that. So we have a newspaper owned by a previous leader of one of the two parties in coalition, we have a newspaper in which the principal scribbler appears to be a gentleman who lives up the coast, by the name of Mr Eade, who appears to spend most of his days in the GSLP party headquarters, we have a newspaper that has never said anything critical of the GS...

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Well, I don't want to mislead the House, Mr Speaker, I do recall *one infamous* front page story, one (*Interjections*) one since 1977 (*Repeated interjections*)

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Hon. Chief Minister: Where is the question, Mr Speaker?

Mr Speaker: Order! Order!

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Hon. Chief Minister: Point of order, Mr Speaker.

Mr Speaker: Order! Order!

Hon. P R Caruana: Does the hon. Member recall? Does the hon. Member recall?

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Hon. Chief Minister: On a point of order, Mr Speaker, I do recall it and I am quite happy to refer to it later, anyway – but on a point of order, (*Repeated interjections*) the questions are taking so long that one might be persuaded to think that they are speeches, rather than questions.

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Mr Speaker: The point of order is well made.

Hon. P R Caruana: Look, Mr Speaker, as Chief Minister the hon. Member does not really have time to be the Deputy Speaker as well. He is constantly sending instructions up to the Chair to provide your... (*Interjections*)

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Mr Speaker is perfectly capable of making rulings spontaneously of his own motion without constantly being prompted to do so from the floor of this House which may give uninitiated listeners in this House the false impression that the Chief Minister is trying to manipulate the Chair in this House.

Mr Speaker is sitting in this House, (*Interjections*) he is listening –

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Hon. Chief Minister: Point of order, point of order, Mr Speaker.

That is, as the hon. Gentleman knows, one of the most pernicious accusations that anybody could make in any Parliament, not in respect of me but in respect of the perceived, in his view, ability for the Chair to be manipulated.

Mr Speaker, I do not consider you manipulable in any way.

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Hon. P R Caruana: He reminds me, if I could just say one more thing, Mr Speaker...

Mr Speaker: Just one more thing. (*Laughter and interjections*)

Just one more thing. Yes, do say one more thing and then I will –

1475 **Hon. P R Caruana:** I will, Mr Speaker. The perniciousness to which he refers is the same perniciousness as one sees on Saturday night, usually on Spanish television football channels, where you get footballers constantly trying to get the referee to show the yellow and the red card to some opposing player. It is as pernicious as that.

1480 That attempted manipulation can take many forms and the constant harassment to invite rulings is capable of being misinterpreted by uninitiated listeners as being an attempt by the floor, whether it is from him or from me, to prompt rulings from the Speaker. And all I am saying is that Mr Speaker is listening to the same debate as we all are, he is hearing the length of my questions, he is perfectly capable of calling me to order, without being invited to do so constantly by *him*. That is all I'm saying, and it seems to me a perfectly reasonable point.

1485 **Mr Speaker:** Okay, there are three points there.

First of all, the Hon. Leader of the Opposition did not suggest that the Hon. Chief Minister is manipulating me: so the uninitiated may falsely come to the conclusion of that, I think that was quite clear.

1490 Secondly, it is perfectly in order for any Member of this House (*Interjection by Hon. P R Caruana*) it is perfectly in order for any Member of this House to raise a point of order and draw to my attention the Standing Orders and it is then for me to rule on them.

Thirdly, I must confess I have been over indulgent in the length of the questions I have permitted. I would be very grateful if the Hon. Leader of the Opposition kept his questions short and sharp and to the point.

1495 **Hon. P R Caruana:** Yes, Mr Speaker and, I in turn, if the Hon. Speaker could indulge *me*, although he has got no need to, if he could call me to order for the excessive length of my questions of his own motion and *not* by invitation of the hon. Member.

1500 **Mr Speaker:** That might be frequently!

Hon. P R Caruana: Then I will keep... yes, but nevertheless, I would prefer it.

1505 Mr Speaker, does the hon. Member agree, therefore, with me, that this Government's pumping of Government advertising money into a newspaper such as I have described, edited and owned by the person that edits and owns it, being as it is *exclusively* sycophantic of the Government, never having made any critical statement of the GSLP as a party, or the Liberals, certainly since they have been in coalition, save this famous one with the headline: 'It would be a disastrous day for Gibraltar if any of these three got into office!' – and there were pictures of Mr Bossano, Mr Picardo and who was the other one, Mr Licudi.

1510 I thought it was very harsh on you, Mr Licudi, I have to say! (*Interjection by Hon. Chief Minister*) Will the hon. Member agree with me, that there is no more justification in the suggestion that the one is 'the greatest example of political corruption', than the other, that they are *exactly the same*? Both are newspapers, neither of which are owned or controlled by political parties, but they have their certain editorial line which, in the case of *Panorama*, does not disqualify them, apparently, from Government advertisements, so why should this *New People* fall into the category of 'corruption' when it is the same?

1515 **Hon. Chief Minister:** Mr Speaker, the headline was 'God Help us if these three ever get into Government!', so Mr Speaker, to say that that newspaper, that *Panorama* has never been critical of *us* is really quite something, which takes some believing.

1520 In fact much of what the hon. Gentleman is saying in respect of this question takes a *lot* of believing, and I say to the hon. Gentleman, he really is, Mr Speaker, in a canoe of diminishing credibility, in the Amazon, heading towards a waterfall without a paddle. He has no way back, and if he thinks that he can persuade *anyone* in Gibraltar that this Government is pumping money – pumping Government money – into *Panorama*, which is what he has said a moment ago, simply by continuing the practice of the past 35 years, of all Governments, of advertising in a newspaper that is recognised by everybody as one of the credible newspapers in Gibraltar, then he is not going to persuade anyone.

1525 I remind the hon. Gentleman, Mr Speaker, I remind the hon. Gentleman,

Mr Speaker: Order, Order, Order. I can't hear...

1530 **Hon. Chief Minister:** I remind the hon. Gentleman, Mr Speaker, of the answers he gave me in answer to supplementary questions arising from Question 798/2007, where he told us that the only newspapers he read were the *Panorama* and the *Chronicle*. So he *himself* recognises the credibility of *Panorama* but, Mr Speaker, to compare that to *7 Days* really is to compare apples with pears. Is it that he does not know, or that he did not bother to have anyone check, that *7 Days Limited* is the registered newspaper? It trades as *7 Days*, and that is what the register of newspapers, which is available for public inspection, reflects. Is it that he does not know, Mr Speaker, or that he did not bother to check, when public money was being spent, that *7 Days limited* was struck off by the Registrar of Companies in May 2010 and thereafter continued to receive the lion's share of payments?

1535
1540 Mr Speaker, how is it that he can sit there and say that I should not be referring to the records of payments of anyone, when he went on television and said that he was going to stop the advertising in *Vox*, not because they happened to change their editorial line, which had, until then, been favouring his party and his Government, but because they were not up to date with their arrears in respect of PAYE and social security? Why is it that he could do that, but I cannot say that this company did not register for PAYE or Social Security? If the hon. Gentleman felt that *Panorama* was not a newspaper that should carry advertising of the Government, he had 16 years to stop it! We are continuing that practice which was established 35 years ago by the AACR.

1545 Mr Speaker, everybody in Gibraltar knows the reality of the story of the *7 Days*. Everybody in Gibraltar knows what they tried to use it for before the Election and no amount of dissembling will get the hon. Gentleman out of the mistake he made, perhaps in a moment of madness, when he set down this question for answer in this Parliament.

1550 **Hon P R Caruana:** Mr Speaker, the hon. Member, I have to say to him, has got completely the wrong end of the stick!

1555 I do not think that the *Panorama* is an inappropriate newspaper for the Government's advertising to be carried. I think the opposite: I think it is *eminently* appropriate. It is as *eminently* appropriate as the *7 Days* and both for the same reason, which is why we used to, whilst in Government, provide advertising in more or less similar measure to both.

1560 It is not that the Opposition believes that they are wrong to place advertisements in the *Panorama*. Does he not accept that what I have been saying is that it is as correct to place advertisements in the *Panorama*, as it was correct to place advertisements in the *7 Days* because there is insufficient reasons to distinguish between placing advertisements in the two, and whatever distinctions *he* thinks he can come up with, certainly are not large enough to justify one being the 'greatest act of political corruption in the political history of Gibraltar', and the other being perfectly okay. The difference between one being the worst sort of 'political corruption ever seen in the history of Gibraltar', the difference between that, in the case of *7 Days* and perfectly okay in the *Panorama*, according to him, is the fact that *they* have been going since 1977 etc etc and all the reasons that he has given.

1565 It is not that we think – will he accept what I have been saying, at least that I have been saying it, not that he will accept it – it is not the Opposition's position that they should not be placing advertisements in *Panorama*, they should be placing advertisements in *Panorama* and in the *7 Days*, because the grounds for deciding that they are, it is appropriate for the Government to advertise in both is, in the Opposition's view, the same now as it was during the years that we were in office. The only reason why we did not place an advertisement – will the hon. Member at least acknowledge the chronology of this? – the only reason why we did not place advertisements in the *New People* was that the *New People* was outwardly, and declared to be, an internal organ of a political party, to the extent that, when the GSLP itself was in Government, for that reason *they* did not place an advertisement in the *New People*. What *we* did, actually, is the same as what he claims he is doing now with *Panorama*. We continued the practice of the Government from which we inherited office, which was not to place advertisements in *Panorama*, and we did not – I beg your pardon, in the *New People*, *People* as it was then called – we did not stop doing that.

1575
1580 **Hon. Chief Minister:** Mr Speaker, I do not accept *any* of that.

1580 I have been, actually, I must say, Mr Speaker, quite prudent, quite prudent I think, and I commend myself for my prudence in my first answer and my original supplementary because the hon. Gentleman likes to talk about relationships in the course of his questions but, of course, there is another relationship which is relevant, a familial relationship between the editor of *7 Days* and one of the individuals who was a Minister in his

Cabinet and who is presently a Member of the Opposition. I put it no further than that because I do not think it is appropriate to, but there is a family relationship there, too.

1585

And the hon. Gentleman knows that, when we are talking about *Panorama*, we are talking about it being edited by a man who is the doyenne of journalists in Gibraltar, who is recognised in Gibraltar and outside of Gibraltar as an exemplary journalist, whether one agrees with him or not, and I will quite happily tell him, Mr Speaker, that we do not always happen to see eye to eye and we do not always enjoy what we read in *Panorama*, whether we were on that side of the House or on this side of the House, because that is the sort of publication that *Panorama* is, independent of any political influence.

1590

Mr Speaker, frankly the hon. Gentleman has given himself away. He has said that they would not place adverts in the *New People* because it was outwardly, and declared, a political organ of the GSLP, which I do not believe, but is it that he is saying – because that is, in effect, the practice that he has pursued – that, as long as you are covertly and undeclared the supporter of a political party, he felt it was appropriate for you to have political or, rather, Government advertising? That is the fact of what developed under his Administration, Mr Speaker. And he can argue it as much as he likes, but it was clear to *everyone* that the *7 Days* before the Election, was a party political rag, bought and paid for and, very likely, *exclusively* written by the members opposite and/or their supporters. And that, Mr Speaker, as he likes to say, everybody in Gibraltar knows and nobody in Gibraltar would believe the opposite.

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1600

Hon. P R Caruana: Mr Speaker, just as everybody in Gibraltar/nobody in Gibraltar, does he accept, would believe that the *Panorama* is not a political rag in support of sycophantic of the GSLP Liberal party (*Laughter*). I mean, this Mr Eade character, never mind the rest of the newspaper, this Mr Eade character or whoever it was, I understand was practically working out of the GSLP offices and, frankly, his twice weekly scribblings was embarrassing to read, if I had been the hon. Member opposite. Completely sycophantic! (*Interjection*)

1605

Mr Speaker, no one has suggested that Governments should not place advertisements in newspapers which have a tendency or a leaning towards a particular party. When the Government, when the GSD Government continued to place advertisements in the *Panorama* newspaper, we did it in the knowledge that this was a newspaper that was *hugely supportive* of the GSLP Liberal alliance, for obvious reasons, never had a congratulatory word or anything good to say about the Government, but that was not enough. Governments cannot withhold advertisements and it does not become wrong to advertise simply because the newspaper is not pro-, might even be anti-, the Government of the day. The distinction is not whether it is pro- or anti-, the distinction is whether it is an internal organ of a political party, owned and controlled by a political party as an organ of a political party, which is what the *New People* was –

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Mr Speaker: I do think a question is now due.

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Hon. Chief Minister: Thank you, Mr Speaker.

Hon. P R Caruana: – and does the hon. Member not agree that neither the *Panorama* nor the *7 Days* fall into that category of internal organs, however supportive they might be, one in the case of one and the other in the case of the other party?

1625

Hon. Chief Minister: No, Mr Speaker, because people are not stupid despite the fact that the hon. Gentleman tries to treat them as if they were.

The hon. Gentleman is dancing on a pinhead, this question of internal organ says, in his lexicon, you can't have the chairman of a political party as editor of a newspaper, but you can have a close relative of somebody who is a Minister in my Government – in *his* Government – (*Interjection by Hon. P R Caruana*) a close relative of somebody who is a Member of the Opposition with me – in *his* Opposition – and that doesn't matter, so all we do is we set up this nomineeship (*Interjections*) of ownership. (*Interjections*)

1630

Mr Speaker: No, no. Order, order.

1635

Hon. P R Caruana: On a point of order, Mr Speaker. He cannot launch a tirade on the basis that I have said that you cannot put an advertisement in a newspaper which is edited by the chairman of a political party. I have said the *opposite* of that.

1640 I have said *nothing of the kind*. I have said, indeed, that the Government continued to place advertisements in such a newspaper. It is not the political status of the chairman, or of the editor, it is the *ownership* and *control* of the newspaper by a political party which is the only consideration I have said disqualifies a newspaper from... Let him focus... He cannot put words in my mouth for the purpose of answering a statement that I have not made!

1645 **Hon. Chief Minister:** Mr Speaker, I have interpreted his statements *exactly* like that, whether he likes it or not. (*Interjection*)

1650 Mr Speaker, he is wrong when he says that is the only criteria that he set up when he was here because he went on television and he said that his Government would stop advertising in *Vox* because *Vox* owed PAYE and Social Security. Despite the fact, Mr Speaker, that they had been advertising grandiosely in that publication, continually, previously to have had, when it had earlier, PAYE and Social Security issues also, but the only thing that had changed was that the editorial line went against him. So, Mr Speaker, he knows *exactly* what happened and the people know exactly what happened.

1655 Mr Speaker, let us be *very clear*, he does not enjoy reading what Mr David Eade writes and he finds it embarrassing because Mr David Eade is the one that brought out that he had told Peter Hain that he was ready to do an Andorra-style solution. He does not like what David Eade writes because it embarrasses him by sticking its fingers into the truth that he likes to avoid. He has singled out Mr Eade on a number of occasions for criticism in this Parliament, although Mr Eade is not here to defend himself. And I am not going to go down the same road that he perniciously, continuously, goes down. All I am going to say is that the editor of the *7 Days* – which is an English language newspaper, as he knows – does not speak English! And that, Mr Speaker, identifies immediately the reality of what was happening with the *7 Days*, how it went to the very core of good government, how it affected the basic tenet of democracy, that they were using taxpayers' money to publish a weekly sycophantic manifesto, with a nominee in place to cover their pernicious writings.

1660 **Hon. P R Caruana:** Mr Speaker, we are not going to carry on debating this.

1665 The hon. Member's statements are absolutely disgraceful. What the fact that he says that, to do with the editor of the *New People*, of the *7 Days* doesn't speak English have to do with the good governance of Gibraltar is not immediately obvious to us. The fact of the matter is, Mr Speaker, that the hon. Member is wrong when he says what he says about the *Vox* and the stopping of the Government... Government did not stop advertising in *Vox* because they changed their alliance or because they were in arrears of PAYE – there were lots of newspapers in arrears of PAYE. Government stopped advertising in *Vox* because they *stopped paying* PAYE, not because they were in arrears, because they adopted the position of *not paying* PAYE. That is why the Government stopped... in the day stopped paying... not because they were in arrears of PAYE, as the hon. Member now wishes to mischaracterise.

1670 The fact of the matter is, Mr Speaker, that whatever the hon. Member... all I am asking him to agree with in my question, that he is seeking to erect... and continues with this pre-electoral *gambit*, that advertising by the GSD Government in the newspaper which he characterises as he has characterised – called the *7 Days* – is the 'greatest act of political corruption that Gibraltar has ever known', but that advertising by *this* Government in the *Panorama*, despite all the connections, as we have characterised the *Panorama* – I am not going to repeat either of the two characterisations – that that is fine? And I am saying to him, will he agree with me, that there is no factual, or intellectual, or objective, basis for categorising the difference between the two newspapers, such as they might be – obviously, they are not identical – but the difference between the two newspapers in terms of the propriety of Government advertising in them, will he not agree that difference, whatever it might be, is *not capable* of amounting to the 'greatest political corruption of the worst sort in the political history of Gibraltar'?

1685 **Hon Chief Minister:** No, Mr Speaker, and I particularly do not agree when he starts with the phrase that he loves so much, 'the fact of the matter is', as if everything that he were going to say thereafter were an empirical truth incapable of challenge.

1690 I challenge what he has said for the reasons I have already explained, but I will give him one piece of free advice which he will say he will not take, but so be it. On this issue, stop digging because everyone can see through to the truth.

Hon P R Caruana: The hon. Member is right. I have no intention of taking his dodgy advice.

Mr Speaker: The Hon. Daniel Feetham.

1695 **Hon. Chief Minister:** The only ‘dodgy advice’ that I have seen is some that was tendered by him in the time that he was in office, and perhaps we can have a word about that later.

Mr Speaker: The Hon. Daniel Feetham.

1700 **Hon. D A Feetham:** Yes, Mr Speaker.

He has made a serious allegation against *7 Days* of not paying Social Security payments, and so essentially an allegation of illegality. If that is the position, certainly we would condemn it from this side of the House. But is that statement based on the fact that he has made enquiries from, for example, the ETB as to whether the *7 Days* actually employed anybody, or is it a conclusion he has reached from seeing that there had been no Social Insurance or Social Security payments by the *7 Days*?

1705 **Hon. Chief Minister:** No, Mr Speaker, it is information that has been provided to me voluntarily by people responsible for these registrations.

1710 **Hon. D A Feetham:** So what he is saying that there were employees of *7 Days Limited* in respect of which identifiable employees – and bear in mind this is an allegation of illegality that the hon. Gentleman is making in this House and publicly – there are identifiable employees of *7 Days Limited*, in respect of which there have been no payment to Social Security, no Social Security payments.

1715 **Hon. Chief Minister:** No, Mr Speaker. What I am saying is that *7 Days* was not registered for PAYE and Social Security. That is exactly what I have said, that is what I will continue to say. It is very serious indeed and the hon. Gentleman is right to highlight it, and I am glad that he chooses to join me in condemning it, that an entity that has received £156,000 of Government money, and which cannot write its own articles, which cannot put itself together in some way, which cannot just in some way do business in Gibraltar without registering for PAYE and Social Security – which, as he knows, are the requirements under the law – that has received £156,000 of Government money, should not be in good standing.

1720 It is particularly relevant, Mr Speaker, that the company that trades as *7 Days* and publishes, therefore, the newspaper, the company that trades as *7 Days* was struck off by the Registrar on 23rd May 2010 – this is publicly available information that I have obtained, not from Government sources, as he can imagine – and that there is a statement registered against the company, that the company does not have the authority to maintain a registered office at 6a Queensway, Gibraltar, and that this was filed on 21st August 2008 by the persons having control of the premises, with effect from 18th October 2007.

1725 So, Mr Speaker, there is also a reference as to the information in respect of the shareholder being untrue or incorrect. That is the level of seriousness of the issue affecting *7 Days*.

1730 **Hon. D A Feetham:** Well, if there is any illegality perhaps he may want to refer that one, as well, to the Principal Auditor (*Interjections*) or even, indeed, to the Attorney General, if he thinks there has been some criminality involved in those particular circumstances.

1735 But, you see, I am troubled by this because, is he saying that he knows, for a fact, that *7 Days Limited* actually had employees, because he must also know that the company could have, perhaps, structured its affairs in terms of having self employed contracts with people who, for instance, were editing or running the newspaper. I mean, I certainly don’t know but he has made an allegation of illegality in respect of *7 Days* in Parliament, and what I am trying to ascertain is whether that allegation of illegality is well founded, based on reasonable evidence and reasonable enquiries that the Hon. the Chief Minister, as Chief Minister of Gibraltar, is bound to make when he makes allegations of this nature.

1740 **Hon. Chief Minister:** Mr Speaker, the Hon. the Chief Minister of Gibraltar has made the allegations with the information that has been provided to him, and has made a perfectly proper statement of fact in this House.

1745 The hon. Gentleman might like to know, and I am quite happy to give him a copy of the profile, that there isn’t even a director registered in respect of *7 Days Limited*, in the information available at Companies House. And perhaps he can explain to me how it is that a company can do business in Gibraltar without registering

1750 for Corporate Tax, for PAYE, or for Social Security. Of course, Mr Speaker, it is possible that there were people who were actually running this newspaper who were not employed by it. It might, for example, have been Ministers of the Crown at the time that it was doing what it was doing.

Mr Speaker, I am delighted to accept his invitation to put the information that we have available in respect of *7 Days* to the Attorney General and shall be doing so after the meeting of this House.

1755 **Hon. D A Feetham** Would the hon. Gentleman withdraw the allegation that he has made, and the inference that he has made, that at the time, during the course of the last Parliament, that there were Ministers of the Crown in the employ of the *7 Days*, because that is not true and, again, the hon. Gentleman is playing the man, not the ball, in the worst possible way and he has made a number of allegations during the course of the exchanges today, but certainly I would ask him to withdraw that particular one.

1760 **Hon. Chief Minister:** Not only, Mr Speaker, do I not withdraw it, I did not make that allegation because Ministers of the Crown were not in the employ of *7 Days*. That is not what *Hansard* will say that I said, but I do not resile for one moment from saying that Ministers of the Crown were involved in the running of the *7 Days* and in its publication and in the writing of its articles. If he does not like it, Mr Speaker, well, there you go, but that is our position. We recognise more than one pen in the pernicious little articles that we read in that rag.

1765 **Clerk:** Question –

1770 **Hon. D A Feetham:** Mr Speaker, for a man that professes to want to play the ball and not the man, the hon. Gentleman has a habit of launching into very nasty two footed tackles. But, Mr Speaker, don't worry, I am not going to ask you to show the hon. Gentleman the red card, lest you become the latest victim of Madame Guillotine, unless you also lose your head in the process. *(Interjection and applause)*

1775 But, Mr Speaker, will the hon. Gentleman not make good on that statement and either put up or shut up and say to this House, who he believes was writing or running the *7 Days*, and what is the evidence that he relies upon in support of that very serious allegation.

Hon. Chief Minister: Mr Speaker, it is not a question of playing the ball and not the man, or playing the man and not the ball, I'm playing against the whole team!

1780 I am quite happy to tell them, as I have, that there was a number of *them* that were involved in writing the *7 Days*. And I am quite happy to tell them, Mr Speaker, I believe it was him: I believe it was the then Chief Minister, Mr Caruana; I believe it was Mr Joe Holliday; and I believe it was some of their very highly paid supporters who are not present in this House and who were not Ministers at the time, so I won't mention. But I am quite happy to tell him outside who it was. I will give him a hint, he was a very highly paid legal officer by the initials of RB, with whom he used to have many lunches and I'm sure still does enjoy the odd bite.

1785 Look, Mr Speaker, they are entitled to write whatever it is that they want, in whatever newspaper it is that they want to write it. It can only be a serious allegation if he believes that the writings in that newspaper were, in fact, so dodgy and really quite so awful that he does not want to stand behind them. That is my view; he is not going to shake me from it. So there he goes.

1790 **Mr Speaker:** Point of Order. I must say that it is totally out of order to refer – to use the same analogy – to refer to the Speaker now as the football. We have had mention of to the uninitiated, there may be an erroneous perception of the Speaker being manipulated, you have heard reference to a deputy speaker you have heard reference to the Speaker being guillotined, with respect, the Speaker should not be used as a political football and used as an argument, if it serves to enhance an argument – I believe it does not – but, with respect, I would prefer it if the Speaker was not referred to as *the football* in this game. *(Applause)*

1795 **Hon. D A Feetham:** If you have taken offence I apologise for my comment. I have not referred to Mr Speaker as the football.

1800 **Mr Speaker:** No, as the guillotine! *(Laughter and interjections)*

Hon. D A Feetham: I said that I was not going to ask you to show the hon. Gentleman the red card, lest

you also receive a kiss from Madame Guillotine. It was meant light-heartedly.

1805 **Mr Speaker:** No offence has been taken. I am anxious to assert the position of the Speaker as an independent and neutral party in these proceedings.

Clerk: Question three hundred and...

1810 **Mr Speaker:** the Hon. Daniel Feetham

Hon. D A Feetham: Well, Mr Speaker, is the Hon. the Chief Minister, then – and I can say, before I ask my supplementary, that I have not written at all in the *7 Days*, and whether the hon. Gentleman believes it or not is another matter – but is he going to deny that he was one of the principle scribes in the *New People*?

1815 **Hon. Chief Minister:** Mr Speaker, I am not here to answer questions –

Hon. D A Feetham: Yes, you are.

1820 **Hon. Chief Minister:** – other than in respect of the time that I have been in office since 8th December so, Mr Speaker, frankly, if the hon. Gentleman wants to ask me questions about what I used to do in Opposition so I can give him a few tutorials on how to get here – I know he needs the help – I am quite happy to do so over a coffee. In fact, Mr Speaker, if he has finished with his supplementaries, this may be a convenient moment to have one. *(Laughter)*

1825 **Hon. D A Feetham:** Well, does the hon. Gentleman deny that he was the writer of the column, ‘Python’, in the *New People* for many years?

1830 **Hon. Chief Minister:** Mr Speaker, the column Python in the *New People* I think, unfortunately, stopped being published by that august newspaper way back in 2004, 2005, long before I am answerable for issues in this House. But I, too, would like to see it come back. *(Interjection)*

I would love to see the Python come back, Mr Speaker, so perhaps if the hon. Gentleman could have a word with him and convince him to go back to his desk and write a few more of those *excellent* articles *(Laughter)* that appeared in the *New People* in that time that would be, perhaps, a good thing. But I am not answerable in this House, Mr Speaker, for what happened in 2004.

Hon. P R Caruana: He is not answerable in this House for what he used to do so many years ago, but he is answerable in this House for not misleading it today here.

1840 He has referred to the Python in the third person – ‘perhaps we could invite the person to come back’ – thereby clearly implying that it was not him. Does he want an opportunity to clarify that he is not saying, in this House, that the Python was not him, as he has insinuated by reference to him in the third person.

1845 **Mr Speaker:** No, with respect, that question is out of order because, then, he is being obliged to, if he was, or is, the Python to confess he is the Python. *(Laughter)* Thus obliging him to do so. That question...

Hon. P R Caruana: Mr Speaker, with the greatest of respect, he has made a statement.

Mr Speaker: In the third person to maintain the neutral stance.

1850 **Hon. P R Caruana:** How does Mr Speaker know what motivated the hon. Member to make a statement?

Mr Speaker: With respect, *with respect*, I am not an idiot. *(Laughter and applause)* I will be 60 on my next birthday, and I can make out the sense of the question and the sense of the answer.

1855 **Hon. P R Caruana:** Well, Mr Speaker, none of us in this House are idiots, *(Interjection by Mr Speaker)* and the Hon. Mr Speaker is not the only one who is entitled to respect for the positions that they adopt. The fact that I have to bow to his rulings does not necessarily make him right and us wrong. *(Interjection by Mr*

Speaker) It simply means that there is an arbitrator whose rulings have got to be accepted and that is his status in this House and none other.

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Mr Speaker, I invite the hon. Member, if he is willing to, to simply confirm whether or not he is saying in this House today, that he is not the Python. It is a very simple question.

Mr Speaker: I rule the question out of order.

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Hon. Chief Minister: I accept Mr Speaker's ruling on this issue.

Hon. P R Caruana: Sorry,

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Hon. Chief Minister: Mr Speaker, that may be a –

Hon. P R Caruana: I didn't hear what you said.

Hon. Chief Minister: I accept Mr Speakers ruling on this issue.

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Hon. P R Caruana: It's pretty dubious! (*Laughter*)

Hon. Chief Minister: Mr Speaker, this may be a convenient moment to –

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Mr Speaker: I think it will be a convenient moment for us all to enjoy a bit of refreshment. We will recess for, say, 15 minutes.

The House adjourned at 5.35 p.m. and resumed its sitting at 5.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.55 p.m. – 7.03 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

The Parliament met at 5.55 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

Government payments made to SP (Butchers) Limited in 2008 Investigation by Principal Auditor

Clerk: Question 328 the Hon. P R Caruana.

Hon. P R Caruana: Yes, will the Chief Minister... can the Chief Minister say why the Government

5 thought it necessary or appropriate to ask the Principal Auditor to look into payments made by the Government in 2008 to SP (Butchers) Limited?

Clerk: Answer, the Hon. the Chief Minister.

10 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government identified the issue of the payments to SP (Butchers) as a result of pointed questions posed by the *Gibraltar Chronicle* on this matter.

15 As a result, it came to our attention that, apart from the acquisition of the units in and around the public market, a substantial amount was also paid, namely £220,000 in respect of the determination of a licence on the East Side. Because we could not find anyone in Government who could explain to us the value for money in paying £220,000 for a licence that could have been determined with a letter sent by e-mail for nothing, or by post for 10p, the matter has been referred to the Principal Auditor for his views.

20 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that the payments to SP (Butchers), which is a company originally owned by the father and now, I believe, by the wife of Mr Reyes, who was then Minister and is now a Member of the Opposition, and has been carrying on as a butchers in the Gibraltar markets for many, many decades... that the Opposition elicited the information of payments made by the Government to this company in a Parliamentary question in 2008, when they were then the Opposition and we were then in Government? Is he aware of that?

25 **Hon. Chief Minister:** Mr Speaker, I believe that is correct in respect of the payments relating to the market stalls but not the payments relating to the plot on the East Side.

Hon. P R Caruana: Yes, so the referral to the Principal Auditor then does not refer to the stalls in the market or, rather, better still, the sheds in the market?

30 **Hon. Chief Minister:** Mr Speaker, other than that those were two connected transactions.

35 **Hon. P R Caruana:** Because, of course, you see, both the Principal Auditor and, indeed, the Opposition have had notice of those payments since 2008 and I was just wondering why, having asked the question and got the information in 2008, it takes them 4 years to decide that there is something suspicious worth investigating?

40 Certainly, the Principal Auditor, who audits the accounts of the Government and is aware of all the payments that are made using public funds, and certifies the account, and certifies the accounts of the Government and all its companies, he has never thought that there was anything untoward about any of these payments. Yet now, four years after there is evidence of pay... well, evidently, I presume, as publicly given in answer to a question, the hon. Members must know that, as part of the policy of exposing the city walls and... I beg your pardon?

45 **Hon. Chief Minister:** If the hon. Gentleman would give way... (**Hon. P R Caruana:** Yes.)

Not the payment in respect of the licence on the East Side, Mr Speaker. That is the issue that I alluded to before.

Hon. P R Caruana: I hope that if the Principal Auditor needs any information it will be happily given to him, that these were connected transactions, because one part of the business was not viable without the other.

50 **Hon. Chief Minister:** Mr Speaker, I am sure that if the Principal Auditor feels that he needs to speak to those who were involved in respect of the transactions he will do so.

55 My answer in respect of the question referred to the East Side aspect of it for a purpose, and to the fact that it was a licence that could have been determined by a letter for a purpose, because that is the issue that raised the value for money question for us.

Hon. P R Caruana: I see. It's a value for money issue.

**Non-EU spouses of Gibraltarians
Issue of five-year residence permits**

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Clerk: Question 329, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say on what terms will five-year residence permits be automatically issued to non-EU spouses of Gibraltarians?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, as has been the case until now for all EU citizens *except* Gibraltarians, ironically, five-year residence permits will be automatically issued to non-EU spouses of Gibraltarians under the following terms. That the relationship is genuine, that the marriage has to be valid and subsist through the period of the permit or permits and accommodation has to be suitable, and the tenancy has to be approved by a relevant landlord. This will end the discrimination against Gibraltarians in this sense Mr Speaker. I know the hon. Gentleman will recall that the way that the law was drafted, all EU citizens resident in Gibraltar, *except* Gibraltarians, have this right and Gibraltarians enjoyed it only for a period of six months for their spouses instead of five months and therefore by doing –

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Hon. J J Bossano: Five years.

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Hon. Chief Minister: – it in this way, we put Gibraltarians on the same footing as other EU nationals receiving or bringing their non-EU spouses.

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Hon. P R Caruana: Mr Speaker, will the hon. Member acknowledge that the rights of non-EU spouses of EU citizens in Gibraltar, in other words the other category in whose favour there was alleged discrimination compared to Gibraltar, that that was a matter of EU law and not something that was chosen, so EU law gives that right? But the EU legal right is linked to their status as workers in Gibraltar and to the fact that they hold jobs in Gibraltar, so it was not a right indefinitely for five years, it was forfeitable on loss of employment. That is the EU regime.

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Now, by extending it to non-EU spouses of Gibraltarians – and we have had brief debates on this issue before in this House – where the practice was to do the permit for 6 months *and*, provided the marriage and the relationship subsisted because, of course, Mr Speaker, if there is a *successful* relationship, it doesn't matter whether it is 6 months, 6 years or 60 years, the longer the better, if it's based on...

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The danger is, and this is what I would ask the hon. Member to keep under constant review, because we began to see an increase in the trend, especially on the basis of internet-based relationships, whereby this was just being used as a side door into Gibraltar and that, shortly after, the relationship would breakdown, thereby suggesting that one party to the relationship – obviously the non-Gibraltar party to the relationship – was using this, as has been the experience in England – and they have had to clamp down on it, too – as a means of gaining entry into Gibraltar. So the 6 month rule, as he will be aware, was 6 months but conditional upon the relationship persisting in terms of cohabitation, and I think I have correctly understood the hon. Member to say that they have attached the same conditions to the five year rule. So it is not five years, it is five years or if there is a break up, whichever is the shorter of the two. Obligated to him.

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Hon. Chief Minister: Yes, Mr. Speaker, that is correct and I am not suggesting that he changed the law of Gibraltar to discriminate against Gibraltarians. It is clear that the rules that gave greater rights to EU citizens came in through the EU legislative route.

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There is one difference now, Mr Speaker, between Gibraltarians and non-Gibraltarians bringing their non-EU spouses. He has alluded to it but I am happy to sort of dwell on it, which is that, a Gibraltarian will not be required to be in employment for that right to kick in, but they will have the same condition attached to their spouse's work permit, namely that they have to remain in the relationship for the period of five years, subject to such review as it may be possible to do of those things.

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It is as we debated when we were on opposite sides of each other, a very difficult issue to keep under review because it is not easy for the Chief Minister of Gibraltar, or for the Principal Immigration Officer to determine whether a marriage is genuine or not, and I am sure he has come across some fairly heartbreaking

115 cases, as I have already, and saw when I was Leader of the Opposition, of Gibraltarians who believe that they are in loving relationships, although the objective evidence suggests the contrary.

120 **Taxpayers' payment to OEM**
GSD agreed settlement of claims

Clerk: Question 330, the Hon P R Caruana.

125 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say on what basis the Government thinks that the GSD appears to have agreed that the taxpayer would pay nearly £7 million to OEM as full and final settlement of all claims?

Clerk: Answer, the Hon. the Chief Minister.

130 **Hon. Chief Minister (Hon F R Picardo):** Mr Speaker, on the basis of the correspondence between his office and the liquidator of OEM, which discloses that, prior to the Election, a position had been reached which was agreeable to both those parties, with the previous Government proposing to make a payment of £6,977,738 to OEM's liquidator as full and final settlement of all claims.

135 **Hon. P R Caruana:** Yes, Mr Speaker, he may have seen what I believe is a draft letter to that effect, but is he aware – and perhaps we ought to discuss this in a different forum, because they must make their own policy decision, about whether they think that these monies should be paid or not – that, although these discussions are with the liquidator, they are effectively for the benefit of the bank that funded the first stages of the project and it raises questions about the extent of the bloody nose that we are happy for that bank to suffer?

140 There are policy decisions for the Government to make, then, legitimate ones, and they could legitimately come to a different one to the one that we came. But this goes back to much longer than before the last Election. This goes back to a couple of years ago, or at least 18 months ago.

145 The reason why I ask on what basis is this: is he aware that the original commitment was that the Government would not wish to keep the benefit of value for work that had been done and paid from that source, and would return that money, *provided* that the costs of the project did not exceed the sale proceeds. In other words, the Government would not make a profit on the development and keep the financier of the first phase of it out of pocket.

150 There is a link between, and, certainly it is true that there was a – I cannot remember the exact timing – where the advice reaching me was that there *was* a profit. A letter was drafted, but I do not believe actually signed and sent – although I could be mistaken about that, I don't remember the exact details – and then it was countermanded, when the Financial Secretary discovered that, in fact, there was not a profit in that amount and that, therefore, the original term of the commitment of the Government, which was that it would be paid, provided that there was surplus in the proceeds of the sale over the final costs of the development, in fact that had not happened – that there was not that degree of surplus, or *any* degree of surplus.

155 This is why I ask whether the basis... It is just that the statement that I read from the Government leads me to believe that the Government – the new Government – thinks that there is a hard and fast commitment to make this payment. The hon. Members could certainly justify a decision to make that payment, on the grounds that, if they were interested and we could discuss privately or, equally, make a contrary decision, but there is no contractual commitment to pay the money.

160 That is the purpose of asking on what basis they think... His use of words leads me to believe that he thought there was an absolute commitment to make the payment. I assume that he will have discussed this matter with the Financial Secretary, who will share with him the content of the last two meetings I had with the Financial Secretary on this subject, which is where I left it and which is what raised the concern and the doubt, which is why we did not proceed with the payments.

165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman rightly refers to our press release as saying that it *appeared* that there was an agreement and that we were not saying actually that there *was* an agreement.

170 Mr Speaker, I have no problem in informing the hon. Gentleman that I received a letter from the Liquidator of OEM on 17th January 2012. That letter says this – and I have got an extra copy of this, so I am quite happy to give him this at the end of this session –

175 'I have been in negotiation with the previous administration over a period of time and, prior to the recent elections, had reached a position which was agreeable to both parties, with the previous Government proposing to make a payment of the amount of £6,977,000 as full and final settlement of all claims.'

And what I have, Mr Speaker, is a draft letter, as he rightly says, sent to the Liquidator by his private secretary, saying:

180 'Please find attached a draft text of GoG's letter to you. Please confirm that you are content to proceed on this basis. The Chief Minister has asked whether you would be able to come in tomorrow at 9.15 to finalise this matter.'

That was on 1st December, and the reply from the Liquidator, that very day, a few hours later, saying:

185 'I am pleased to confirm I have received the approval of the committee of inspection to agree to the terms set out in the Government's draft letter.'

190 What we are saying, Mr Speaker, is that there *appears* to be an agreement, but not that there *is* an agreement, (**Hon. P R Caruana:** I see.) and I am very happy, Mr Speaker, to have the opportunity to talk to him about this.

We will, of course, make our own decision about whether there is an agreement and whether there should be an agreement and I will let him have a copy of this bundle of correspondence, which was sent to me by the Liquidator, just so that he understands that I have not had access to *his* correspondence files. The Liquidator has sent me a bundle of the exchanges of correspondence going back, I think, to the first exchange he had with him in, if he will allow me, sometime in early 2010.

200 **Hon. P R Caruana:** Yes, well, Mr Speaker, I am very happy to give the hon. Member a full briefing – and he can make of it what he pleases, it is a large sum of money – explain to him the circumstances in which the Government took the view that it would be right to pay, that that draft letter was formulated on receipt of financial statistics, in relation to the OEM projects as a whole, that showed that the Government was in profit, which was the terms of the original letter of commitment with OEM, only to pay profit over in payment of the monies that they had invested, but not to make...

205 Now, since that letter was drafted – and this was in the last couple of days before the elections – news came up from the Finance Ministry, to the effect that, in fact, there had been a miscalculation of the accounting of the OEM projects – and that, in fact, there wasn't the profit – all of this information is available to him: it is in the Finance Ministry, not in my D files – that there was, in fact, not the profit that the Government had been advised there was and that, therefore, the original commitment of the Government, which was to pay this money to the extent that there was profit... In other words, the Government's original position was, when we took over this development, there had already been a few million pounds worth of work done, which had been funded effectively by Barclays Bank, and we said well, look, we are not going to pocket the benefit of that work for nothing, sell the properties, including the value of that, and keep the profit and then keep the bank – who were secured creditors of OEM – out of their money, whilst the Government counts the profit that it has made, in part relying on that inherited paid-for work. So, we agreed, in writing – and there should be letters which the Financial Secretary can make available. There, will be letters on the file, which commits the Government to pay. They are here ... I have not had the chance...

210 **Hon. Chief Minister:** If the hon. Gentleman will give way... those exchanges and the calculation of the 6-9-7-7 (**Hon. P R Caruana:** Yes.) is based on that premise, the agreement is based on that premise, and hence why we are saying appears to be...

220 **Hon. P R Caruana:** Alright, alright. Now, there is –

Hon. Chief Minister: Almost what the hon. Gentleman is saying – if he will indulge me – is that the Government said, 'look, you can have a *quantum meruit* of the work done.'

225 **Hon. P R Caruana:** Absolutely, so long as it can be paid for out of profit. Now, and indeed, we were sent up statements of account, which showed there was this degree of profit, that draft letter was issued on the basis of them, and then the financial statements were countermanded and the profit, in fact did not exist, for reasons of a mistaken calculation that had been made at technical level.

230 So the question now facing the new Government – as, indeed, it would have faced us, if we had been re-elected – is, do you, nevertheless, pay the Liquidator, in order to avoid the loss being suffered by the Bank, or do you take the view that, in fact, the circumstances of the payment have not materialised. Of course, the Liquidator has his own legal arguments, which are based on the terms of the licence agreements.

That is the situation, Mr Speaker, but it will require careful consideration by the hon. Members opposite.

235 **Hon. Chief Minister:** And those arguments, if the hon. Gentleman will permit me to say, were rejected in the correspondence, and it was only – I hesitate to say *ex gratia* – that the Government was agreeing to make the payment, but not based on the representations set out in the early correspondence from the Liquidator of what the claim of rights might have been.

240 **Hon. P R Caruana:** Correct. The Government's position was there is no claim of right in the circumstances that have happened under the licence agreements, but we will not enrich ourselves. In other words, the Government does not seek to benefit unfairly from profit made, selling assets part of which have been built with money provided by the party in question and that that would not be the case, provided that the Government could pay for it of the excess of sale proceeds over final building costs.

245 Initially, we were told that that difference existed, and we were then told that it did not exist. So the hon. Members now have a difficult policy decision. Certainly, I am happy to say privately to the hon. Member how I would have resolved that, had I been re-elected, but it's very much a question... The point of the question is simply to indicate to the hon. Member that I do not believe that, in the circumstances as they finally were shown to exist, there is a binding commitment on the part of the Government. Which is not to say that I don't think the Government should pay.

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Hon. Chief Minister: Which is not to say what, sorry?

255 **Hon. P R Caruana:** Which is not to say, which is not to say that I do not think that the Government should pay, I think there are issues on both sides of that question which the hon. Members will have to weigh up for themselves, in terms of the relationship between Gibraltar and that organisation.

260 **Hon. Chief Minister:** Yes, Mr Speaker, I think that is the position as we understand it as well, that there is no finalised agreement, no executed, no enforceable agreement.

I did not appreciate the exact reasons why we had not got to the final stage, but I could see that there was an agreement to agree almost, but not a fixed agreement that the Liquidator might have been able to hold the Government of Gibraltar to.

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**Previous Government payments to Haymills and OEM
Investigation by Principal Auditor.**

270 **Clerk:** Question 331, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say why the Government considered it necessary or appropriate to ask the Principal Auditor to conduct what the Chief Minister calls a 'forensic audit' of payments made by the previous Government to Haymills and OEM, and what are the terms of reference?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, because it was a manifesto commitment reflecting our consistent position since 2009.

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Hon. P R Caruana: Mr Speaker, the word ‘forensic’ suggests investigative.

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Now, the Principal Auditor, as the hon. Member knows, audits or procures others to audit, if he doesn’t want to audit it themselves, the accounts of the Government and of all Government Companies and Agencies, and things of that sort. Does the hon. Member agree, that the Principal Auditor would have seen all the payments made, and that the use of the word ‘forensic’ as an adjective to the noun ‘audit’, adds nothing to the matter? The Principal Auditor has audited the accounts of the companies in question – accounts are a statement of expenditure and of revenue – and he will have seen all the payments in and out in respect of this scheme.

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I accept that it was a manifesto commitment about which they made quite a lot of fuss, both in the run up to the Election and, indeed, earlier on. Does the hon. Member agree that the phrase ‘forensic audit’, alarmist and colourful as it is, adds nothing to the phrase ‘audit of payments’, which is what the Principal Auditor does habitually and as a matter of statutory obligation, anyway?

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Hon. Chief Minister: Well, Mr Speaker, obviously not, because the choice of words was made, not considering that the word ‘forensic’ was simply there to be alarmist, but because it has another meaning, which is that it is a *tracing* of payments, not just an understanding of what payments have been made, which is what the Auditor will already have checked, in other words the Auditor, as part of his annual recurring work, looks at payments that the Government makes and decides whether they are appropriate or not.

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We are asking now whether he will make a forensic audit – which he has agreed to do – and which, of course, as the hon. Gentleman will know, there is no in-house expertise to do it, it is very likely that he will have to procure the services of forensic auditors to have this work carried out, to understand and trace the payments and see what they were used for.

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I know that the hon. Gentleman found himself in a difficult situation in respect of these matters, and I don’t envy him. He was providing affordable housing, the developer that was providing it collapsed, and the constructors that were involved also collapsed. So it is not as if we are saying that the hon. Gentleman was embarked in an endeavour that was anything other than designed to better the lives of those who would become owners in the co-ownership regime, despite the fact that those buildings now, as constructed, have so many problems with them.

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But we are very concerned about those payments which were made, in particular because the hon. Gentleman will know, when we were first having this exchange of press releases in 2009, when the issue arose, it had become apparent that, I think, Haymills, which is in liquidation, and one of the other companies, might have had great arrears of PAYE and Social Insurance and collapsed, in receipt of payments from the Government directly, without any regard to those PAYE and Social Security arrears, even with monies which would have been held in retention having been paid to them. Those are the issues that we want a forensic audit of, they are the issues that were the exchanges of press releases in August 2009.

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Hon. P R Caruana: Mr Speaker, the hon. Member must believe that they were payments that were made, other than in relation to the construction of the projects, on architects’ certificates. Is this what the hon. Member believes that they were, they were payments made from public funds that were not due to the contractor?

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Hon. Chief Minister: Mr Speaker, I do not believe or disbelieve anything, I just want to understand where that public money has gone. It may be that it has gone into a black hole, which is a company in liquidation. But the hon. Gentleman will recall that he did not just pay the amounts due, he also, well I say *he*, I mean the Government of which he was the chief political individual responsible, made payments even of the amounts retained, the 10% that would have usually been the retention amount which would have been paid a period after the completion of construction, were released to this company that was involved in the building and etc.

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Now the hon. Gentleman will know that a number of entities which owe, or corporate entities, that owe PAYE or Social Security to the Government when they provide services to the Government, or when they receive payments that originate with the Government, have large amounts of those payments or the whole of those payments, retained by the Government, set off against the amounts due in respect of PAYE and Social Security and, in this instance, not only did that not happen, but the company went into liquidation owing many millions and received also the 10% retention, so those are really the principal headline issues, if there are any other issues I suppose the auditor will pick them up.

335 **Hon. P R Caruana:** Oh I see, so the hon. Member is not concerned about *improper* payments but whether the payments that were made were made in circumstances when they should have been made, as opposed to circumstances in which they should not have been made.

340 **Hon. Chief Minister:** Well, Mr Speaker I do not know whether any payment was proper or improper, and I do not want to prejudge the outcome of the forensic audit. We will see what that says.

But, Mr Speaker, I think I have been pretty clear about what the concerns were, and our press releases, in particular, at the time which I have had cause to look at, and refresh my memory on as a result of his question, I thought were also pretty clear. We had the usual exchange, it was August, he didn't reply, but when he came back from holiday in October he told me to do my homework, you know, that sort of usual exchange that we used to have in public!

Those are the issues which led to the manifesto commitment and this is the implementation of that commitment.

350 **Hon. P R Caruana:** But does the hon. Member not accept that the Principal Auditor and, indeed, the accountant, the auditors of this, of these companies, audit and certify the accounts as being correct and the payments reflected in it as being due and payable, and have not qualified the accounts?

Apart from the political cut and thrust, which I am perfectly happy to submit to, as being political cut and thrust, I am just interested to know why the hon. Member *particularly* wants a forensic audit about this particular, as opposed to any of the... You know, the Government has made £4 or 5 hundred million worth of payments in capital projects over the last few years, and is just curious that the hon. Members get, sort of, excited about this one – unless they have a reason to think otherwise. I mean if there *were* something untoward, something that would justify a *forensic audit*, would the hon. Member not have expected the Principal Auditor to have raised the alarm already?

I mean, if the hon. Member is saying, well, did the Government release retention payments sooner than it should have, or did the Government make payments due under a construction contract without withholding, without deducting, things for unpaid PAYE and Social Security, well, I mean, those are issues in which there can be a multiplicity of views. But why does that require a forensic audit? The auditor of the company will tell you whether the Government made these payments and the Government's own accountant, internal, will tell you whether, at the time that the Government made these payments, the recipient was, or was not, in arrears of Social Insurance contributions.

All I am trying to understand... If the hon. Member says to me, look, this is what we said and this is what we are doing, I understand that – he is obviously keen to do what he said he was going to do. I am just interested, more technically than that, to understand why the hon. Member feels that the use of the word 'forensic' adds *anything* to the audit that the Principal Auditor presumably has already done, in respect of payments that go back this number of years.

370 **Hon. Chief Minister:** No, Mr Speaker, for this reason... I mean, if he cares to go back to August and October, as I am suggesting that he should, he will see that that is exactly what we were saying – we need a forensic audit because these companies have gone into liquidation owing very many millions of pounds in terms of PAYE and Social Security.

Most of the companies that the hon. Gentleman dealt with – and I know that people say that, you know, it was the kiss of death towards the end, because Bruesa also I think had its own problems, after having dealt with his administration, but that was in Spain and not here.

380 In relation to Haymills, I think it is the *only* company – and when I say Haymills, it includes the wider family, I think Labour Hire was also a company involved in that – which was mentioned in the press releases, of a company exclusively in receipt of Government payments – and I say Government not knowing whether it was also GRP, which may have been why the Auditor may not have been able to look into these issues before, because it is a wholly owned company of the Government. These payments were being made into these companies and, at one stage, I think the hon. Gentleman was paying into the company £50,000 a month. He was almost becoming the paymaster of the company, in the sense that he was paying the payroll of the company in order to keep the developments going. As it turned out, when the liquidations came, that is what happened when GGCC was created – the men were transferred in and the hon. Gentleman (*Interjection by Hon. J J Bossano*) carried on making those payments on a monthly basis.

385 So, Mr Speaker, those are our concerns. I thought we had set them out very clearly, the hon. Gentleman

390 set out his position then, we said that when we were elected we would look into these things and have a forensic audit of what these payments were used for, and how it was that retention monies were paid out before construction was finished, let alone after the period post completion of construction and how it was that these companies were receiving payments, and not having applied to them the rules that the Tax Office tends to apply in respect of others.

395 I am happy to refresh his memory. The hon. Gentleman at the time said:

‘There is only one rule for tax defaulters, and its being applied across the board to everyone’

400 and we said, well, how can that be? Those were the issues in debate and live at the time. The relevant period is – if he wants to look it up – 14th October 2009, 18th August 2009, 7th August 2009, when these exchanges were being had by us in the press. That is exactly what we said we would do and what we are asking the Auditor to do.

405 **Hon. P R Caruana:** Would the hon. Member make available to the Opposition a copy of the terms of reference of this.

410 **Hon. Chief Minister:** Well, Mr Speaker, yes. I note that he asked for those terms of reference and that we haven’t actually set out what those were, we have simply not wanted to say to the Auditor you do things in a particular way or now that we have had the debate already about his independence, we have just said to him that we think there should be a forensic audit into these payments, it’s up to him how widely he goes or how narrowly he goes. (*Interjection by Hon. P R Caruana*) He knows what our concerns are because those are the concerns set out publicly.

415 **Hon. P R Caruana:** Correct me if I’m wrong – I am relying on my memory now, I do not have it in front of me – does the Government’s last press release on the matter not make reference to the terms of reference?

420 I had a statement in front of me when I formulated the question. Perhaps it doesn’t. I think it says something about the terms of reference are being drawn up, or have been drawn up, or something like that? I think it says something to that effect, that the terms of reference have been or are being drawn up, or are now ready or something like that.

Hon. Chief Minister: Mr Speaker, I have got the same here and it doesn’t mention terms of reference that I can see.

425 **Hon. P R Caruana:** If I come across it, I can write to him... [*Inaudible*] ...if they don’t exist, then they don’t exist...

430 **Hon. Chief Minister:** If such a press statement existed then it would be inaccurate, in the sense that when we have asked the Principal Auditor to do the audit, we have not wanted to restrict him to anything too wide or to anything too narrow. He is able, as we debated before, for all the reasons we were debating before, to take such steps as he wishes in that respect.

435 Mr Speaker, he would also be free to come back to us and say, having looked at this in some more detail, I do not think there is any need for a forensic audit because you are using the word ‘forensic’ in an alarmist way, again juxtaposing it to the other noun, but so be it, Mr Speaker. It is up to him. (*Interjection by Hon. P R Caruana*)

It is up to him. He may wish to say so publicly if he decides to do so. But the hon. Gentlemen can look at the press statements that I have referred him to and he can see what the logic was in what we were saying then.

440

**Gibraltar Pensioners’ Association
Government policy on payments to retired private sector workers.**

Clerk: Question 332, the Hon. P R Caruana.

445 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether it is the policy of the Government to make Government-funded payments to retired private sector workers with no occupational pension or only a small pension, as demanded by the Gibraltar Pensioners' Association?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Question 333.

455

**Gibraltar Pensioners' Association
Requests made to Government**

460 **Clerk:** Question 333.

Hon. P R Caruana: Mr Speaker, will the Chief Minister say what requests were made of the Government by the Gibraltar Pensioners' Association at his recent meeting with them?

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

Hon Chief Minister (Hon F R Picardo): Mr Speaker, on 8th February this year I had the honour to receive the Gibraltar Pensioners Association at No. 6 Convent Place. I understand that the Association had been seeking a meeting since 2003 with the previous Chief Minister, but that the meeting had not been granted despite repeated requests in the intervening 8 years.

470 I have agreed to see the GPA quarterly to review progress on issues discussed, or any new matters they may wish to raise. The agenda items listed for discussion by the GPA were as follows:

1. recognition of this Association;
2. re-introduction of WOPS or similar arrangement to provide for a scheme for widows etc;
- 475 3. a pension scheme for the private sector;
4. entering the Double Taxation Agreement – Government requested to consider – I am just reading what the agenda was that they came with;
5. accelerate the introduction of the Freedom of Information Act;
6. review of certain medical matters to improve the present arrangements;
- 480 7. bus service, review certain routes, and;
8. any other business.

I discussed the issue of private sector pensions with the GPA and I am looking forward to meeting with the Private Sector Pensioners Association also. Other than payments made to all pensioners, public or private sector, on the basis of qualification for minimum income guarantee or for additional financial support designed to ensure that the standard of living of all pensioners keeps up with the growth in the economy, as provided for specifically in our manifesto, the Government has no policy to make Government funded payments to retired private sector workers with no occupational pension or only a small pension.

485 I must tell the hon. Gentleman that the Gibraltar Pensioners Association made no demand of me to the contrary. All the GPA sought to discuss with me was the introduction of a pension scheme *for* the private sector, which is something Members opposite will know is also being promoted by officers of Unite, especially given the changes being introduced in the United Kingdom to promote pensions schemes for the private sector.

490 I want to now take this opportunity, Mr Speaker, to thank the Gibraltar Pensioners Association, the Gibraltar Senior Citizens Association and the Private Sector Pensioners Association for the hard work that they do in representing pensioners and the elderly in our community. I look forward to working with them in the next four years.

495 **Hon. P R Caruana:** Well, Mr Speaker, certainly the Gibraltar Pensioners Association had supported the Private Sector Pensioners Association in the latter's request and, on several occasions, the latter on several occasions came to see me.. They are a pretty determined group of people, who feel aggrieved that having

500 worked for private sector employers who did not provide an occupational pension for their employees, have
now reached retirement age, have *no* occupational pension or a small one, and feel aggrieved that the
Government has discriminated against them by abolishing tax on pension income, because they argue that this
505 benefits people that have a pension and is a double whammy to people who don't have a pension, because if
you have got a pension you save the tax on it and if you don't have a pension because you pay no tax there is
no tax to be exempted from.

Arguments to the effect that tax is something that you, that the Government takes from people's income
and that exempting pensions from income tax is simply saying the State doesn't want a share of your income,
is very different to discriminating against somebody who does not have a pension for reasons that are not the
510 fault of the State. And I was just wondering whether this issue had resuscitated itself, and whether, and what
the policy of the Government was. Its implicit in his answer, that although he looks forward to working with
them and congratulates them, has had the great honour to meet with them, that he, nevertheless it is *not* the
policy of the Government at this time to, to, fill any vacuum of income caused by not having a private sector
occupational pension, beyond the state pension, the minimum income and the mechanisms that already exist
515 to ensure a minimum income of elderly people.

Have I correctly understood that to have been the thrust of the answer?

Hon. Chief Minister: Yes, Mr Speaker, with the caveat that, as he knows, our manifesto contains a
statement applicable to all pensioners about keeping them in line with the growth in our economy.

520 I have seen, Mr Speaker, a copy of the newsletter which the GPA itself put out, after their meeting with
me. It was the quarterly meeting, and it says, about that meeting:

'other items raised by the Government in their manifesto, including the introduction of a pension scheme for the private sector, were
similarly discussed. The question of a private sector pension has now been taken over by the newly formed Private Sector Pensioners
525 Association, who have our support. As with our own claim –'

– which is the WOPS Claim –

'– any arrangement should be in accordance with Government directives and legislation.

530 So that is the position that they themselves are putting to their own members.

Clerk: Question 334 –

535 **Hon. Chief Minister:** Mr Speaker, I'm sorry. I should add – and I should have added it by way of
supplementary, I think it has fallen out of the first answer – that I had the honour of meeting the members of
the GPA with the Minister for Social Services and Equality.

540 **Legal action against Government**
Policy on surrendering on grounds of costs.

Clerk: Question 334, the Hon. P R Caruana.

545 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether it is the policy of the Government to
surrender to the claimant in every legal action in which the Government's legal costs might exceed the
potential damages claimed against the Government, regardless of the merits of the claimant's case?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the policy of the Government is not to spend
money unnecessarily in defending cases where there is no issue of principle at stake, and where the cost of
settlement is lower than the anticipated legal costs.

555 **Hon. P R Caruana:** So the answer to my question is, yes, provided that there is no issue of principle at

stake. In other words if, if the costs might exceed the damages, they will surrender to the claimant, regardless of the merits of the claimant's case, provided that there is no issue of principle at stake. Is that what, I think that is what...

560 **Hon. Chief Minister:** No, Mr Speaker, the position is that the policy of the Government is not to spend money unnecessarily in defending cases where there is no issue of principle at stake and where the cost of settlement is lower than the anticipated legal costs.

565 **Hon. P R Caruana:** Correct. Well, that's just a way of saying yes. In other words, you will settle for a sum lower than the legal costs, regardless of the merits of the claimant's claim. Does the hon. Member not share my view, that this risks people launching into litigation against the Government, on the basis that they will get *something* by the application of this principle and that, by this principle, the Government is encouraging litigiousness, and that the Government ought not to send this signal? I specifically did not mention the case that we debated this morning although, obviously, it is the case that promotes the question, to try and separate it from the sort of emotional stuff attaching to that case – politically emotional stuff attaching to that case.

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575 Would the hon. Member consider that there is a danger in the Government signalling that you can have something – launch a claim against the Government and we will pay you some figure *less than* what we would otherwise pay in legal fees – that this will cause a *mushrooming* of litigation against the Government and that the Government needs to be aware of this, and cautious, and perhaps moderate this signal?

Hon. Chief Minister: No Mr Speaker, for a very simple reason. It will be an issue of principle that somebody who had absolutely no meritorious claim against the Government should decide that they would claim against us, *simply* because they believe that we would settle.

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Hon. P R Caruana: Mr Speaker, but the hon. Member is sort of half provoking me to alluding to the earlier case.

585 Is the hon. Member saying that he thinks that there is *merit* in the employee's claim, in the previous claim, in all the circumstances that he now knows affected that case?

Hon. Chief Minister: Mr Speaker, in respect of the previous case that we debated, I refer the hon. Gentleman to the answers that he was getting then about the nature of that, or the state at which that case is.

590 Needless to say, Mr Speaker, I do not accept his interpretation. I do not think that there will be a flood of unmeritorious cases. If there is *one* unmeritorious case, then that will be an issue of principle, *always*, because if claims have no merit and they are brought against the Government simply because people believe that we are going to be a soft touch, that is going to be an issue of principle at stake.

595 But, Mr Speaker, when there are disputes, then he will know – perhaps, 16 years out of practice, he may have forgotten – that the best advice sometimes is for people to settle, and not litigate for the sake of litigating. Mr Speaker, I have the costs that the Government has incurred in some other cases, and, compared to the damages awarded in one particular case, which is not the one that we discussed this morning, it shows that the Government, in our view, made the wrong decision. For example, in one particular case, the Government's total legal costs were £62,333: the Government folded, in that case, at the last minute, and the compensation awarded was £48,000. (**Hon. P R Caruana:** Yes.) And that was the maximum award, as I understand it, at the time.

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605 **Hon. P R Caruana:** Mr Speaker, as the hon. Member knows – and we don't want to get into that case again – (*Laughter*) the case folded, as he called it, the case folded, as he calls it, (*Interjections*) because the employer's witness would not come to the jurisdiction to take part in the proceedings. But, Mr Speaker, does the Government not understand, sticking to the generality of it, that, if there is an employee that sues his employer for unfair dismissal, the idea that, in those circumstances, the employer should pay compensation, when the employees merit has no claim, simply because it would cost more to defend the case, is a hugely dangerous precedent, which is not even put into practice by most private sector employers, who are usually more concerned to save unnecessary costs than governments deploying public funds. In other words, if you are sued by somebody for doing something that you think you were perfectly entitled to do, the idea that you pay him £48,000 in compensation, because to defend yourself against an unmeritorious claim would have cost

you £62,000, is creating a charter for unmeritorious litigation against the Government and Government-owned companies.

That is the point that I am trying to make in this question as opposed to all this morning's questions, which were much more politically driven on the facts of that case.

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Hon. Chief Minister: I am grateful to the hon. Gentleman accepting that his questions were really exactly that, just politically driven. We could see through that, and now people who are listening will know that that is exactly why it was being done. (*Interjection by Hon. P R Caruana*)

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Mr Speaker, there is a large measure of agreement across the floor of the House. Of course, it would be a hugely dangerous precedent for Government to start settling claims that have absolutely no merit. *Ergo*, there is an issue of principle at stake in any such case.

Hon. P R Caruana: And therefore the Government thinks that there is merit in this particular case, but he does not want to say that because of the *sub judice* rule.

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Mr Speaker, would the hon. Member just clarify and allow me one final supplementary, something that I was not quite clear on this morning. I am almost certain I understood the Hon. Minister to say, this morning, that the Gibraltar Bus Company was represented by Isola & Isola, Mr Mark Isola QC... (*Interjections*) No, Mr Mark Isola QC is with Isola & Isola, not with Triay, (*Interjections*) and that the advice to discontinue the case was issued by Verralls. (**A Member:** Correct.) Is that correct? So – even though Isola & Isola continued to represent the Bus Company in the conduct of that case, which I think was said this morning, that Mr Mark Isola continues to represent the Government – nevertheless, the Government withdrew the case, not on the advice of their solicitors acting in the case, but on the advice of a firm of solicitors that were not engaged – Verralls. I am just asking whether that was the correct understanding of what I heard this morning.

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Hon. Chief Minister: Mr Speaker, we are not going to get into what the correct understanding is, or is not, of what was said this morning. What was said this morning was said this morning.

Mr Costa has confirmed in this House that the case was handled by Triay & Triay, when Mr Mark Isola was there. I don't think any part of the case has been active after Mr Mark Isola QC went to Isola & Isola, and that he obtained *pro bono* advice from Verralls in respect of a particular issue in respect of that case. We will not stray further in respect of that case because we believe, as we believed this morning, that there are *sub judice* issues there.

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Hon. D A Feetham: Well, you say that. Mr Speaker, the hon. Gentleman says a particular part of that case, but can he confirm that the advice was sought on whether to discontinue the defence of the claim, (*Interjection by Hon. N F Costa*) that that was the advice, because that was the original question that my hon. and learned friend, Mr Bossino, asked this morning? Is it in relation to that that Verralls advised?

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Hon. Chief Minister: Mr Speaker, the Government is not going to go further than it already has in respect of this matter. (*Laughter*)

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And it is certainly not going to set out exactly what questions were asked of what lawyers at what time. Look, we have said what we have said; we believe that we should not be saying anything more. The hon. Gentlemen are enjoying baiting us in trying to get us to go further, but they are on a hiding to nothing. We are not going to say more. We think we have said enough already, as it is, in respect of this matter, which remains live before a tribunal in Gibraltar.

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Consolidated Fund Increase in expenditure since 8th December 2011

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Clerk: Question 335, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say by how much policies and measures introduced by them since 8th December 2011 have increased Consolidated Fund expenditure so far, up to the 29th February this year?

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Clerk: Answer, the Hon. the Chief Minister.

670 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker I will answer this question together with Questions 336 to 340 and Question 342.

675 **Government revenue and expenditure
Current figures as at 29th February 2012**

Clerk: Question 336, the Hon. P R Caruana.

680 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what has been the overall Government revenue and expenditure in the current financial year, as of 29th February 2012?

685 **Aggregate Public Debt
Breakdown as at 29th February 2012**

Clerk: Question 337, the Hon. P R Caruana.

690 **Hon. P R Caruana:** Can the Chief Minister give a breakdown as of the 29th February 2012 of Aggregate Public Debt by bank loans and bank and each different issue of Government Debentures?

695 **Aggregate Public Debt and Government cash reserves
Figures as at 29th February 2012**

Clerk: Question 338.

700 **Hon. P R Caruana:** will the Chief Minister what was the Aggregate Public Debt and the Government cash reserves as at 29th February 2012?

705 **Gibraltar Savings Bank
Debentures issued, 15th January to 29th February 2012**

Clerk: Question 339.

710 **Hon. P R Caruana:** Will the Chief Minister say how much by nominal value has been issued in debentures or other debt security by the Gibraltar Savings Bank from 15th January 2012 to 29th February 2012 both inclusive?

715 **Gibraltar Savings Bank
Government Debentures/Bonds purchased since 9th December 2011**

Clerk: Question 340,

720 **Hon. P R Caruana:** Can the Chief Minister say whether the Gibraltar Savings Bank has purchased or subscribed to any Gibraltar Government Debentures or Bonds since the 9th December 2011 and, if so, how

much and what were the terms of such debentures or bonds?

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Corporation Tax
Amount collected as at 29th February 2012

Clerk: Question 342.

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Hon. P R Caruana: Will the Chief Minister say how much has been collected in corporation tax as of 29th of February this financial year (1), in respect of the current tax year, and (2) in total?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I hand the hon. Gentleman a schedule with information requested in respect of Questions 336, 337, 338, 339 and 342. He will know that many of those figures are tentative and that they will likely be changing quite considerably, as we get to the end of the financial year and the Treasury makes the adjustments it usually makes. (*The Schedule is included at the end of the Question.*)

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Mr Speaker, in answer to Question 335, details of variances, i.e. any increases or decreases in expenditure, resulting from the policies and measures introduced by this Government since 8th December 2011, are not readily available at this stage. Any increases in Consolidated Fund expenditure, over and above that provided for in the approved estimates for this financial year – which, of course, commenced with them in office – will be reflected in a detailed statement, showing the reallocations which may be required from Head 15 in the approved estimates, where £7 million is provided for supplementary funding. Any further funding required will be reflected in the Supplementary Appropriation Bill.

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In answer to Question 340, the Gibraltar Savings Bank has not purchased or subscribed to any Gibraltar Government debentures or bonds since 9th December 2011.

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Hon. P R Caruana: Yes, Mr Speaker, but surely the hon. Members must know which of their policies they have implemented, which has had the result of increasing current expenditure. For example, the Hon. the Minister for Employment told us, if not at the last, at the last but one meeting of this Parliament, that the cost of deploying the Future Job Strategy since February was – I can't remember the figure he said – £1 million a month...

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Hon. J J Bossano: About £½ million a month.

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Hon. P R Caruana: About half a million a month. I mean that's a ballpark figure, but that is a policy initiative that has clearly had an effect on increase, may have been offset by savings and capital expenditure through frozen projects but, fine, we understand that, consolidated funds.

Surely, the hon. Member must have a list of the policies that he has implemented in the last 98 days, or whatever it now is, that have had the effect of increasing public expenditure. I cannot believe that, given the concerns that he professes to have about the state of public finances, that he has introduced policies to increase them, without keeping a tally of things that he does which have the effect of increasing annual expenditure.

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Hon. Chief Minister: Well, Mr Speaker, in fact, as he knows, these are things that will be provided for after the end of the financial year, when the actual expenditure figures have been finalised. And we have been there, really, for 98, 99 or 100 days and much of what we have done is to *stop* things which were being done by *his* administration, which is the criticism that we came under by his deputy this morning. Now, the actual spending in respect of our policies will commence when we start to see, for example, some of the capital projects in our manifesto going forward.

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A lot of the spending that there may have been, in these 100 days, may have been preparatory but is not additional, in the sense that it is simply being done by officers already in the Government like, for example,

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the Chief Technical Officer is now looking at *our* projects rather than looking at the projects that *he* had responsibility for when he was Chief Minister.

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So, Mr Speaker, I do not think it is possible to give him an answer like that, and it may be that there isn't any increase in Consolidated Fund expenditure, it may be that there is a *decrease* in Consolidated Fund expenditure, not in respect of projects, of course, but in respect of payments being made on an ongoing basis.

Mr Speaker, the hon. Gentleman knows that we would, of course, have a view ourselves of what we are spending, but the question was a very pointed one. It was asked of the Treasury, and the Treasury's view is that this cannot be provided at this stage, for this reason.

ANSWER TO QUESTION 342

Answer to Question 336

Tentative overall Revenue in the current financial year to 29th February 2012 stood at £404.9 million and tentative overall Expenditure stood at £351.6 million.

Answer to Question 337

Summary of Public Debt as at 29th February 2012

**1. Government of Gibraltar
Debentures**

	<u>Maturity Date:</u>		
Pensioners' Monthly Income Debentures		£50,361,700	
Monthly Income Debentures		£8,971,200	
Special Issue of Monthly Income Debentures 2008		£50,669,900	
Limited Issue of 3-Year Fixed Monthly Income Debentures	30/06/2012	£22,375,700	
Limited Issue of 3-Year Fixed Monthly Income Debentures	31/12/2012	£33,443,400	
Limited Issue of Fixed Monthly Income Debentures	31/12/2013	£15,188,000	
Limited Issue of Fixed Monthly Income Debentures	31/12/2015	£70,304,300	
Limited Issue of Fixed Monthly Income Debentures	28/02/2017	<u>£68,305,800</u>	
			£319,620,0

**2. Commercial Loans (Bank
Revolving Facilities)**

Barclays Bank PLC	£150,000,000	
Natwest Offshore Ltd	<u>£50,000,000</u>	
Total Commercial Loans		£200,000,0
Total Public Debt as at :	29/02/2012	<u>£519,620,0</u>

ANSWER TO QUESTION 338

As at 29th February the Aggregate Public Debt stood at £519.6 million. The Cash Reserves on that date stood at £226.5 million.

CONTD ANSWER TO QUESTION 342

Answer to Question 339

The Gibraltar Savings Bank has issued the following Debentures and Bonds from the 15th January 2012 to the 29th February 2012:

	Total Issues
Monthly Income Debentures (Issued 17 January 2012)	£330,300
3-Year Fixed Maturity Monthly Income Debentures (1 February 2015)	£1,303,300
5-Year Fixed Maturity Monthly Income Debentures (1 February 2017)	£14,228,300
10-Year Accumulator Bonds	£553,800
	<u>£16,415,700.00</u>

ANSWER TO QUESTION 342

As at 29 February 2012, Corporation Tax collected in this financial year is as follows:

	£M
Years of assessment up to and including the penultimate year prior to the deemed cessation of trade under the 2010 Act	4.2
Year of assessment under the deemed cessation of trade under the 2010 Act (period from 1 July 2010 to 31 December 2010)	4.7
Accounting periods ending in 2011	20.5
Accounting periods ending in 2012	22.2
Accounting periods ending in 2013	1.1
	<u>52.7</u>

The above figures include tax collected from companies through two advance tax payments, one on 31 August 2011 and the other on 28 February 2012. The amount of tax collected at each of these is £20.2M and £13.6M respectively.

Given that the Government has recently introduced a moratorium on surcharges arising on payments on account until 31 March 2012, the Commissioner of Income Tax has confirmed that an additional amount of tax is still to be collected in respect of those taxpayers who have withheld payment until the expiry of the moratorium.

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**EU Policy of double non-taxation
Threat to economy**

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Clerk: Question 341, the Hon. P R Caruana.

Hon P R Caruana: Mr Speaker, will the Chief Minister say whether the Government has considered whether an EU policy of double non-taxation would represent a threat to our economy?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is aware of the press release

issued by the EU Commission, by the Director General on Taxation and Customs Union, on 29th February 2012 in respect of what they call ‘tackling double non-taxation for fairer and more robust tax systems.’ A consultation paper was issued on the same date and responses have been requested by 30th May 2012.

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It is important to point out that the purpose of this consultation is to contribute to the debate, to collect relevant information and to help the Commission to develop its thinking in this area. It also states that the document does not necessarily reflect the views of the European Commission and should not be interpreted as a commitment by the Commission to any official initiative in this area.

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The consultation focuses on establishing factual examples of double non-taxation and mentions the potential harmful effects, in terms of fairness, of the tax systems and potential distortion of the internal market. This is effectively the opposite of double taxation, where tax is potentially paid twice, i.e. in this case, where tax is not paid in any country. An example of this may include a transfer pricing and unilateral advanced pricing arrangements, transactions with associated enterprises and/or countries with no, or extremely low, tax, debt financing of tax exempt income, such as the deductibility of interest on debt, with no corresponding tax on income, and the debt finances and different treatment of passive and active income.

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The Government has not yet had the opportunity to peruse this consultation paper in detail. However, we will be paying close attention to this consultation and examining any possible ramifications for Gibraltar’s tax systems.

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Hon. P R Caruana: Yes, indeed, Mr Speaker, and therein lay the purpose of asking the question. I mean I assume the hon. Members have seen the statement and, indeed, the material available on the Commission website and all of that. But, to urge the Government to keep a close eye on this. Of course it is not the position of the Opposition that the Gibraltar Government is in a position to *prevent* any such EU initiative from gathering head, but I think it’s worth keeping a very close view on, because *our* experience was that unless we engage with the UK very early on in an EU debate on these issues, there came a time when the initiative had got too much momentum and the UK really could do nothing about it, even if it had been minded to. The purpose of this is that the Government should engage with the UK Treasury on this, find common ground with them on this question, with a view to trying to get the UK to adopt a position which most fully protects the Gibraltar macro-economic interest. Which is not easy, even if you do it on a timely basis, because the UK Treasury has its own agendas and its own national policies and they frequently do not coincide with our interests. But certainly if you don’t engage them on a timely basis, even if they are *minded* to adopt a supportive position, in defence of our interests, it could be too late. So would the hon. Member accept the need to engage with this, and this is really basement, this is the first statement that has emerged from the Commission on this question, and it’s, I think the answer to my question, the second part of my question, presumably is, yes, I think a policy of double non-taxation would be considerably challenging to our economic model, and it’s worth therefore engaging at the earliest opportunity in this. Would he agree with that?

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Hon. Chief Minister: Yes, Mr Speaker, I note why the hon. Gentleman has put the question. I invite him, Mr Speaker, when he feels that there are issues like this which he needs to bring to our attention, to write to me also, even if he then also puts the question. He will get a reply and an acknowledgement within 14 days, and a substantial reply within 21 days thereafter. I guarantee that I won’t treat his letters like he treated mine!

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And if he allows me, Mr Speaker, there are some parallels with the consultation process that the Commission has launched with the issues that are arising in the Code of Conduct Group discussions about our corporate taxation regime, which includes questions about dividends and royalties etc.

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He will know that, at the time that he left office, that was an issue that was about to come on. It has come on; Gibraltar has already been before the Group. We have raised issues with the United Kingdom, as I know he was doing, to ensure that we had their support there as well. It is an issue where I think there will be a large measure of agreement across the floor of the House, as I am sure there is in respect of the proposals relating to what I call the Gaming Transaction Tax, where I know that he has been kept informed of what is happening.

I am quite happy to also keep him informed in respect of *these* issues, because these are really national issues that concern us all.

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Hon. P R Caruana: Indeed they are, Mr Speaker, and I would be very happy to be of whatever assistance he feels I can be to him on the question of the Code of Conduct consultation group, because I do not know if he is aware, or if he has been shown correspondence relating to this at the time that we ran the draft Income

Tax Act past the UK government.

855 They raised with us the issues that they thought were Code of Conduct sensitive and my recollection is –
I'm not 100%: I would have to seek access to my files to refresh my memory – But my recollection is that we
addressed each of the points that had been raised by the UK Treasury's EU tax department, in order to make
the Tax Act Code friendly, including, he will remember, taking out of the Act the whole of the anti-avoidance
provisions which, for some reason which we could never get our heads round, were thought, even though they
were there to prevent tax fraud... There was a section, several sections, in it which, for some reasons which
860 we couldn't ever fully understand, were thought to be Code unfriendly, even though they were there to make
people not escape tax through anti-avoidance.

So, whilst, certainly, the UK never guaranteed that we would have no difficulty with the Code, certainly
the Government took on board the UK's advice as to what the UK thought was –

865 **Hon. Chief Minister:** A compliance Act?

Hon. P R Caruana: – might have put the compliance of the Act in jeopardy under the Code criteria. I am
certainly happy to seek access to my files – I think I am entitled to seek access to my old files – find the
papers and perhaps then authorise that the hon. Member should have access to them, assuming that he has not
870 already had access to them!

Hon. Chief Minister: Mr Speaker, what I have had access to, I think, is a summary of the exchanges that
there were – I have not had access to the files themselves – and they have been useful in us preparing the
officials who have attended in respect of the Code Group.

875 There are now questions, this is the process, which are in the process of being answered. I am very happy
to have access to the correspondence of the hon. Gentleman, if he will allow me to have it, so I would be
grateful if he could make those communications with the Chief Secretary – he can have access to his files
according to the rules – and let me have copies of them himself or ensure that somebody else can. Of course,
if he likes, Mr Montado could have a look at that file and prepare us something which he could share with
880 him.

Hon. P R Caruana: Well, Mr Speaker, the other source of very useful information for him are the group
of professionals that supported the Government, two of them from Hassan's and another from some other
firms of accountants. They will be of considerable assistance to the hon Member on this.

885 **Hon. Chief Minister:** I am obliged, Mr Speaker.

Mr Speaker, I have the honour to move that the House do now adjourn until 10.30 tomorrow morning.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 16th March
2012 at 10.30 a.m.

890 I now put the question, which is that this House do now adjourn to Friday, 16th March 2012 at 10.30 a.m.
Those in favour. (**Members:** Aye.) Those against... Passed.

This house will now adjourn to Friday, 16th March 2012 at 10.30am.

895 *The House adjourned at 7.03 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.35 a.m. – 12.50 p.m.

Gibraltar, Friday, 16th March 2012

The Gibraltar Parliament

The Parliament met at 10.35 a.m.

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

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

Questions for Oral Answer

Clerk: Sitting of Parliament, Friday 16th March, Answers to Oral Questions continue.

ENTERPRISE, TRAINING AND EMPLOYMENT

Future Job Strategy Incentives for employers

Clerk: Question 261/2012, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any special or different measures

5 will be taken in order to incentivise employers to permanently employ anyone in sheltered employment under the Future Job Strategy?

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

10 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as was the case previously under the Vocational Training Scheme, there are no special or different measures in place currently to incentivise employers to permanently employ anyone in sheltered employment under the Future Job Strategy.

15 **Hon. D A Feetham:** Is he insisting that employers who take on board disabled people, under the sheltered employment scheme, sign Future Job Strategy contracts with Employment Training Company? And is he also insisting that those who are currently placed with those companies, that those companies sign those contracts?

20 **Hon. J J Bossano:** I believe I told the hon. Member last month, Mr Speaker, that everybody had been put into ETCL, simply because they were there in the vocational scheme originally, but that they were not going to remain permanently there and that the present system, which is that they have contracts that say, up to eleven months, will not apply to the people in this category, who will have a separate company that will employ them permanently. I believe I have already told him that.

25 **Hon. D A Feetham:** So the answer... I cannot remember that the hon. Gentleman has told me that, otherwise I would not have asked the question – and I do look through *Hansard* before formulating the questions.

30 But what he is saying is that, effectively, they are going to be employed by a separate company and that the employers, within which these individuals are placed, will not be required to sign a Future Job Strategy contract basically undertaking to employ them at the end of a period of time or, as an alternative, repaying the cost of their notional training.

Hon. J J Bossano: That is correct.

35 I mean, some of the persons in this category have been five or six years already as vocational training scheme individuals on £400 a month so, you know, in effect they were not... the placement was having no responsibility for them, other than giving them something to do. That will continue to be the case in future, but it will not be done the way it was done: it will be done on the national minimum wage and go up as the national minimum wage goes up – but there will be a separate entity that will cater for supported employment.

40 **Hon. D A Feetham:** Yes. Well, I commend that approach; it is clearly the correct approach.

Clerk: Question –

Mr Speaker: The Hon. Jaime Netto.

45 **Hon. J J Netto:** My supplementary question was... obviously, the question is directed to the Minister for Employment, and the Minister of Employment has given his answer. I just wonder whether, perhaps, the Minister for Social Services, within part of her remit, she is actually in discussions with perhaps some NGOs in order to try and see whether there are some viable plans to develop opportunities for disabled persons.

50 The reason why I am saying this is because I myself, although I was not the Minister for Employment in the last four years, I took it upon myself to have constant discussions to try and promote the uptake of opportunity for disabled persons. There was one scheme in particular, which I am happy to share the details with, with both the hon. Lady or even the Minister for Employment, which never took off through lack of time, which might have meant the opportunity for employment for disabled persons.

55 So I just was wondering whether, quite apart from the initiatives that the Hon. Minister for Employment may be taking, whether the Minister for Social Services is also in discussions with relevant NGO organisations, in order to try and get some particular ideas for the promotion of employment opportunities for disabled persons. Is that the case?

60 **Mr Speaker:** If the Minister is able to answer.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, even though I think it is irregular to ask a supplementary question to a different person (**Mr Speaker:** Yes.) to whom the original question is aimed, I am happy to answer that the case is yes, that I have already been in discussions and there are already plans afoot to develop a scheme for supported employment.

65 Having said that, Mr Speaker, I do not think it would be appropriate to continue answering supplementary questions. I have answered that on a one off, with a caveat that I started... Mr Speaker, the original question has not been addressed to me.

70

**Training Schemes
Number introduced since General Election**

75 **Clerk:** Question 262, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what new actual training schemes have been introduced since the last election by this Government?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, other than the continuation of those that existed under the Vocational Training Scheme, such as Construction Training Centre, Gibdock, or the training of nursing assistants at GHA, for example, all other training since 1st February is new.

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Hon. D A Feetham: Sorry, can you repeat the last part of that. I could not hear it

90 **Hon. J J Bossano:** I am saying that all other training, other than the ones I have identified that existed already, is new. All the training that is currently being provided, other than those that existed, is new training. It was not being done before.

Hon. D A Feetham: Yes, but what is it?

95 **Hon. J J Bossano:** Well, it is the training that is provided by an employer to fit the person for the job that the employer wants the person to do, so it is the training that is provided by the placement that the trainee is sent to. So if we send somebody to the telephone company, he is trained in the work that the telephone company will require of that person.

100 **Hon. D A Feetham:** Does he not agree with me that that is not a new training *scheme*, that that is the position, a continuation of the position as it existed at the last General Election, and that is precisely what happened before the last General Election. There were a number of training schemes, one of them was the placement of people with different employers so they could undertake relevant training in the area where that employer operated. Is that not the case?

105 **Hon. J J Bossano:** Well, that is the theoretical case. The practical case is that the employers who have had this placement have told the Department and me since the Elections that they have no work for these people and that they really were taking them on at the request of Bleak House, on the basis that they were being, if you like, responsible employers by providing a niche for some people, so that it was better to have them in this placement than on the dole.

110 In practice, the fact that only five employers have actually so far said that they would take on five people shows that there has been no training directed to a job. There was no job at the end of the training.

Hon. D A Feetham: So, is it not the position... What you are really saying to this House is that it is a

115 betterment of what existed before, but there are no new training schemes that have been introduced by this Government, since the last Election. Is that not the case?

120 **Hon. J J Bossano:** Well, the case is that, unlike the philosophy of the previous Minister for Employment, who used to tell us that it was a good thing to provide people with interminable doses of VTS Bleak House placements, on the basis that that improved their prospects of being employed by somebody – for which there is absolutely no evidence from the questions that I have asked in the Department and the information that I have been provided – it is now the case that it is not just an *improvement*, it is a different approach, where the placement only takes place if it is known that there will be a job.

125 The reason why we have not yet been able to move faster is because there were no jobs in the 300 people that were previously placed. Otherwise, they would all be working now and we would be dealing with more people. So the result is that we have replaced a completely false concept of training people for jobs which was, effectively, an attempt – by the previous administration – to mislead the public as to the numbers of unemployed, by one that is directed at getting people into work, and the training is provided to get people into work.

130 In the areas that training has been provided, like the Construction Training Centre, I am in discussion with employers to see what it is that has stopped them, until now, from taking on the people who come out of the Training Centre, because out of the 15 years, the figures that I have seen of people working in construction trades, *out of 15 years of training* is something of the order of 50 individuals, all of whom are in the public sector.

135 **Hon. D A Feetham:** The hon. Gentleman seems to be obsessed by my former Ministerial Colleague, Mr Montiel, and if it was not because I am professionally engaged to act on his behalf, I would make several comments in response to the comments that he has made. (*Interjection by Hon. J J Bossano*)

140 But, look, is the hon. Gentleman looking at, for example, something that I was personally involved in when I was Minister for Justice. During the last year or so of the last administration I was closely involved in employment matters myself, working very closely with Mr Montiel, and one of the things that we were looking at was scaffolding, for example. In Gibraltar this is conducted primarily by labour, by qualified scaffolders, that either come from the UK or come from... in fact, there were a lot from Poland. And one of the things that we were considering doing, and we would have done had *we* been elected into Government, would have been to use GJBS to train people in scaffolding. As I understand it, it requires people to be sent to the UK in order to do some examinations and obtain qualifications – part of it is done in the UK – and then, obviously, we would have a trained scaffolding pool of skills, here in Gibraltar, by people who are resident here in Gibraltar.

145 Now is he considering something like that, or anything else that is different to what was occurring on 9th December last year?

150 **Hon. J J Bossano:** Well, I am considering somethings that were not occurring before and one of them is what we need to do with the Construction Training Centre in order to produce craftsmen that will be able to find employment and be acceptable to employers.

155 I can tell the hon. Member I have also had discussions with people who employ, in the trade, electricians, who tell me that, as far as they are concerned, what they are looking for is City & Guilds qualifications and not NVQs and that, as long as we insist on producing NVQs they will not find employers recruiting the people that we produce. So the training is being reviewed on the basis that what we want to do is train people who do not just get a piece of paper that shows that they have satisfactorily completed the training, but get a piece of paper that actually is what the employers demand, and are able to do, on the practical side, the skills that are required for them in employment. That will include all the construction trades, including scaffolding.

160 But I have to tell him that one of the things the we have done, in order to assess that, is in fact set up, as I told him in the earlier questions yesterday, an individual formerly in the Training Centre, now in the ETB, whose job it is to provide the labour force for the construction industry whereas, previously, the position was that people from the construction industry would be sent to construction employers even though they had never had any previous involvement and possibly very little interest in entering in the, the whole thing has been shifted so that there is a far greater selection of employees in sending them to employers, instead of a random selection.

170 **Hon. D A Feetham:** Does he not accept that he will be judged, certainly at the next Election – but he will
be judged during the next four years – on results? And does he not also accept, and agree with me, that
placing, so far, five individuals and having five individuals who have been guaranteed a job, bearing in mind
the huge fanfare with which he rolled out this programme at the last election, does not bode well for the
future, and so far does not represent a huge success in the implementation of his much vaunted Future Job
Strategy scheme?

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Mr Speaker: Does that not ring like a question that was asked yesterday – exactly the same question?

Hon. J J Bossano: I'll give him the same answer!

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Mr Speaker: I seem to recall that question but, anyway.
Yes, the Hon. Minister.

185

Hon. J J Bossano: Well, Mr Speaker, it is true that the disastrous state in which the employment market
was left by Mr Montiel and the Government, to which the hon. Member opposite belonged – and, clearly, he
must share part of the blame as he has just told us now that he was also involved in what was happening in the
labour market – means that the task is proving more difficult at the beginning than I anticipated, but I have not
the *remotest doubt* that it will be a total success and that when people judge me, in three years and nine
months, they will be very happy with the results. No doubt whatsoever!

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Clerk: Question –

Mr Speaker: The Hon. Edwin Reyes.

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Hon. E J Reyes: Mr Speaker, I am slightly confused and perhaps the Minister for Employment can try to
enlighten me.

He said that, talking with the people in the electrical trade, they preferred trainees to have City & Guilds
rather than NVQs. Can he please explain to me the difference, because I have a different interpretation to him.

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Hon. J J Bossano: Well, all I can tell the hon. Member is what the people in the industry have told me.
They asked specifically for a meeting with me, they told me that, in fact, the MOD, for example, on MOD
contracts insist that the qualifications for electricians should be City & Guilds. They say that, in the industry,
City & Guilds is considered to be the 'brand' that has been there since time immemorial and the preferred
option for official employers in the United Kingdom and that the industry here clearly will not recruit people
with NVQs, if the client demands City & Guilds.

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As far as we are concerned, I see no problem in shifting from one to the other, because I imagine that there
isn't all that much difference in the content of what has to be learned. It is the same as if you said 'I have got a
degree from Oxford or Cambridge and a degree from Southampton', they are still degrees and they ought to
be the same, but employers don't treat them the same. That is the nature of the argument that they put to me.

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Hon. E J Reyes: Yes, Mr Speaker, so just to make certain we are both clear. NVQ is the level 1, 2, 3
whatever, that is the actual qualification. City & Guilds is the awarding body, so City & Guilds actually award
NVQs.

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What I think the Hon. Minister is trying to say now is that they would rather that the electrician had his
NVQ validated by City & Guilds, as opposed to, for example, EMTA, or whatever other awarding body
[inaudible]. But City & Guilds and NVQs are actually one and the same. City & Guilds issue NVQs, which is
what they do at the Construction Training Centre. The trainees learning, for example, carpentry are training at
NVQ level 2, which gives them a qualified craftsman status in a certificate issued by City & Guilds, because
that was the preferred awarding body.

220

So let us not... I think we both mean the same. City & Guilds and NVQs are not opposed. City & Guilds
is one of the *awarding bodies* in respect of NVQ's.

Hon. J J Bossano: Well, that is not how they explained it to me. All I can tell him is –

225 **Hon. E J Reyes:** If the hon. Member will give way. Then I suggest that he talks to the Director of Education, because they are wrong.

230 **Hon. J J Bossano:** I accept what the hon. Member is saying. All I am telling him is that the people that came to see me said 'Look, the NVQs are considered to be a less demanding qualification than the City & Guilds and that the MOD wants electricians to come –' (*Interjections*)

235 Mr Speaker, I am not making myself responsible for the accuracy of what I have been told. I am *sharing* the information with the hon. Member because he asked me to explain exactly what it was that the *industry* had put to me. And it is in response to that request from the industry... If an employer says to me 'Look, if you keep on producing people with NVQs we are not going to take them on, we want them to come with City & Guilds,' well, I then go back and say to the people that are doing the training, what do we need to do to make sure that they come out trained with a certificate that says City & Guilds.

Hon. E J Reyes: No, Mr Speaker. I don't think I have succeeded in explaining myself.

240 City & Guilds is not a qualification. City & Guilds are an awarding body. The Hon. Minister was correct before in an example he was trying to give to clarify the situation: you can end up with a degree either from Canterbury University, like I got, or like the Chief Minister has from Oxford. Perhaps his is far more prestigious than mine. Understood. But what the employers cannot say is that I want a 'City & Guilds'. No, City & Guilds is just one of the awarding bodies, and the qualifications to be attained is an NVQ level whatever, in respect of electrical trade, welding, fabrication, mechanical trade.

245 The qualified craftsman status is achieved with an NVQ level 3, that is the standard and then there are certain awarding bodies of which, one of which I think they are expressing a desire, should be City & Guilds, I can go along with that because perhaps it is a more prestigious and more established awarding body. In respect of the construction trades, plumbing, carpentry, tiling and so on, their qualified craftsman status is actually attainable at NVQ level 2. The level 2 gives them a qualified craftsman status and a level 3, although possible, and I hope is still being offered for those who have the ability at the training centre is really something that is aspired to by those wishing to become foremen in the future. So I am not blaming the Minister, I am just trying to advise him, as a colleague that, with the best intentions in the world, he may be being slightly misled, and in a friendly way I advise him to contact the Director of Education, who can show you how the whole thing works, and the different awarding bodies for particular qualifications.

250 But a qualification is NVQ and then the employer wants to be... or wants to express a preference for City & Guilds validation, as opposed to one of the other awarding bodies. I want the Minister to make certain that, although he takes in good faith what is being said, he should perhaps ask his colleague, the Minister of Education, to get the Director... just to make sure that, for the benefit of trainees, that we give them the best product possible...

260 **Hon. D A Feetham:** Yes, and perhaps come properly prepared to the next Parliament because, in answer to my supplementary about new training schemes, he cited precisely that example as something new that he was doing, which obviously is not new, if what my friend, Mr Reyes, says is true.

265 **Hon. J J Bossano:** Well, Mr. Speaker, if sharing with Members opposite information or requests that I have received from employers is judged by the Member opposite to be that I am not properly prepared then the answer will be no, obviously not, no.

270 You have asked me a supplementary and, in the supplementary, I have told you what an employer has told me. The employer has given me something that you claim is incorrect or misleading. In future, I can tell the hon. Member, when he asks me something I will not tell him what people tell me, because clearly that, in his judgement, makes me insufficiently prepared to deal with him, and the last thing I want to do in this House is not to be able to put him in his place constantly at every meeting, and I wouldn't want to be not sufficiently prepared to be able to do that.

275 **Hon. D A Feetham:** Can he, in the light of what has transpired in the last few moments... does he not agree with me that, therefore, the answer to my previous supplementary which was what new training schemes or skills is he promoting in his Department since the last General Election, the answer is *none*, because that is precisely the example that he gave. It is the wrong example and, therefore, will he not be man enough to admit that there are *none*. (**Members:** Oh!)

280 **Hon. J J Bossano:** If he wants to put to test whether I am manly enough to do then I don't think the Chamber is the place. But we have the ante-chamber, we can put that to the test any time the hon. Member wants to test my manliness!

Mr Speaker, as far as I am concerned, if the hon. Member wants to have information and he wants me to say whether it shows that I am doing nothing and that I am not manly enough to admit it, then I can assure him that I am doing more in the three months than the previous administration did, at the very least, in the last 285 four years and in all probability in the last fifteen years, and they were not *man enough* to come out and admit, in an election campaign, half the things they were doing and covering up.

When he came out with a statement in the Election campaign, saying it will cost £11 million to employ people who are seeking employment he was, in fact, admitting that he knew already that the numbers of people seeking work, if they were all given £10,000 each, would cost £11 million, notwithstanding the fact that we have had this constant misleading of Parliament and public by producing *cooked* and *concocted* and 290 *massaged* figures year after year in budgets and in the figures presented to the House! (**A Member:** Hear, hear.) And will he not be manly enough to admit it? (**A Member:** Hear, hear.)

295 **Hon. D A Feetham:** The hon. Gentleman should really calm down. (*Laughter*) In his advanced years he really is going to blow a gasket (*Interjections*) if he continues down the vein that he habitually continues in these sessions.

Does he not accept that when I made my statement about the £11 million –

300 **Mr Speaker:** Order, Order. I think now that that remark, which was 'the £11 million issue' – I call it briefly that – was beyond the scope of this discussion. It was not properly brought into the discussion by the Hon. Minister, but when the Hon. Daniel Feetham invites the Hon. Minister to calm down, with respect, he did raise the tempo by accusing him of not being man enough. (*Applause*) Perhaps we can keep our questions away from personal epithets.

305 **Hon. D A Feetham:** Yes, and, of course, Mr Speaker will apply that across the board, no doubt.

Mr Speaker: Absolutely.

310 **Hon. D A Feetham:** I am absolutely certain about that, because yesterday the Chief Minister made a number of allegations. He made an allegation... I will be separately writing to Mr Speaker in relation to this.

Mr Speaker: Please do.

315 **Hon. D A Feetham:** He made an allegation of impropriety in relation to – he did not name – Members sitting on this side of the House, accused Members on this side of the House of writing in the *7 Days* without a *shred* of evidence.

And let us not forget, Mr Speaker, that if we are to apply, for example, the rule that you must not call a Member of Parliament a liar, I do not see what the distinction is between calling a Member of Parliament a liar and accusing a Member of Parliament of impropriety or, without any *shred* of evidence, accusing them of writing anonymous articles in a newspaper. I hope that Mr Speaker also bears that in mind for future sessions of Parliament. 320

Mr Speaker: I certainly will.

325 I take on board the point the hon. Member makes and I would be grateful if he did write to me and I *will* address the issue. But in my defence, if I may say so, statements are made in this House by both sides and I have absolutely no means – or limited means – of knowing the veracity of statements, so it is very difficult for me to actually rule on the actual content of statements. My job here, I think, is to create an atmosphere where proper, meaningful debate can be had on the issues and if any statement is made which is not true there is a procedure whereby the matter can be dealt with on a motion, where we can carefully examine the real facts.

330 (**Hon. D A Feetham:** Yes.)

So I take on board that the hon. Member may well have a grievance in terms of the allegations of impropriety but, again, I hope he will appreciate that I have no means of knowing whether that is true or not true.

335 **Hon. D A Feetham:** Yes but, of course, Mr Speaker, you do have the means of actually saying to Members of Parliament, 'If you are going to make an allegation like that, produce the evidence.' What you cannot do is just simply make those kind of blank statements because there is, as I said, there is an inconsistency here. If I then stand up and say 'You're a liar', you would then call me to account for calling him a liar! (*Interjection by Mr Speaker*)

340 The hon. Gentleman has made allegations which are completely and utterly unfounded and, if we are, and I appreciate, Mr Speaker, that you are in a very difficult position. I accept that. I accept that, sometimes, Members of Parliament do not help your role in some of the comments that I make...

Mr Speaker: They make it impossible, actually.

345 **Hon. D A Feetham:** And I accept that.

But there has to be even-handedness in relation to how one deals with this particular issue because, of course, if those allegations are made we are inevitably going to stand up and call the hon. Members 'a liar', and then we are the ones who are called to account for calling them a liar – which is incongruous.

350 **Mr Speaker:** No, I take on board everything the hon. Member says and I do not disagree with him.

All I am saying is, as I say, when statements are made I have limited knowledge or resources to be able to judge, there and then, whether the statement is true or false. You must accept that. But I can judge when terminology, for example, 'a liar' is used. It is a different thing altogether. But I will take it on board and I will be grateful if the hon. Member would write to me, and I will address the issue, in a fair and even handed manner.

355 Can we proceed to the next Question.

360 **Labour Market
Skills Audit**

Clerk: Question 263, the Hon. D A Feetham.

365 **Hon. D A Feetham:** Has the Government completed a full skills audit of the labour market??

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

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

Hon. D A Feetham: Is the Minister on course to complete the full skills audit by the date set out in his manifesto, which I believe was April 2012?

375 **Hon. J J Bossano:** There are two elements, one is an assessment of the demand for skills which is being done through an analysis within the ETB, and then there is an assessment of the skills held by the resident population which will be done later in the year, taking advantage of the census.

So, in the census, we will have questions which will identify what the resident population skills map is. That, of course, is not the whole of the skills in the market because the skills in the market include 7,000 frontier workers.

380 **Hon. G H Licudi:** Mr Speaker, can I just add to that. The hon. Member is slightly mistaken when he refers to the manifesto and says, and asks, whether the Government is on course to complete the skills audit by the date given in the manifesto, and the date he has given is 1st April. That is not, in fact, what the manifesto says. What the manifesto says is:

385 'a full skills audit of the labour market will be undertaken in the current financial year to prepare the final action plan of the Future Job Strategy, from April 2012.'

390 So the final action plan is going to be started from April 2012.

Hon. D A Feetham: I still do not see what the actual difference is. But, turning to more important matters than the date of the skills audit, will the skills audit also include an analysis of the skills required by employer, which seems to me to be a far more important aspect of, or an equally important, I should say, aspect of the aim of conducting a skill audit.

395 **Hon. J J Bossano:** I have already answered that, Mr Speaker. I have told him there are two sides, the supply and the demand.

400 The demand for skills is determined, as far as we are concerned, by the vacancies opened in the ETB. That is the source of the demand, people are opening jobs. And we can analyse the skills of the jobs that they are opening, and then there is the supply, from the resident population, which we would have had to do in some other way but since the census that should have taken place in 2011 did not take place in 2011 and has had to be deferred to 2012, and we are now in the process of setting that up, I have already spoken to the statistics office who will be including the questions that are required in order to establish the skills that exist in the resident population in October or September this year, when the Census takes place.

405 **Hon. D A Feetham:** Yes, I understood him the first time about the vacancies opened in the ETB.

410 I don't think that just simply analysing the vacancies that are opened in the ETB will give him a full picture of the skills that employers think are necessary within the labour market. And could I urge upon him, and does he think that perhaps it is a good idea, to also conduct a survey, just apart from the question of the vacancies that have opened, but conduct a survey of employers in Gibraltar as to what are the skills that *they* believe are necessary within the labour market and can I urge upon him that approach.

415 **Hon. J J Bossano:** Well, I imagine that no employer can give me that information, other than about his own business. (**Hon. D A Feetham:** Absolutely.) So I mean if somebody... for example, there are 2,500 shop assistants in Gibraltar: I am not talking about whether the people that own the retail shops consider the shop assistants are skilled enough or need to be trained to achieve a certain level of skill. That is not what I am talking about, What I am talking about in the assessment is whether there is a demand for 2,500 shop assistants, or a demand for 2,500 carpenters, not the skill of the individual.

420 So the nature of the audit of the vacancies and of the supply is to establish what *is* the supply and demand for workers of a certain trade in a certain industry. The idea of talking to individual employers is something that will happen if we find resistance from employers in employing the people that we have got and the argument is they are not trained enough. That is part of the exercise that will be done in the context of whether we find the numbers signing up to employ the people that we can provide grows or does not grow. If it does not grow, and the reason is that they do not consider that our people have the skills it is an argument, of course, that we will have to analyse because they do not seem to have the same problem with skills with those who come across from the border.

430 **Department of Employment**
Ministerial involvement re job vacancies

Clerk: Question 264, the Hon. D A Feetham.

435 **Hon. D A Feetham:** Can the Minister for Employment please confirm whether job vacancies are held back by his Department and are not advertised until he *personally* vets notifications?

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

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

Hon. D A Feetham: Well, is he aware – knowing that he is aware, or so he says, of everything that happens in his Department, that he is all-knowing about what occurs in his Department – he is aware that, in

445 fact, there are employers that are very concerned about the amount of time that it is taking for job vacancies to be advertised, from the point at which notification is received by the ETB? And does he not agree with me that that is a matter of concern, particularly, in fact, within, for example...

450 I notice that he is deep in conversation with the Minister for Justice. Perhaps he may want to – the Minister for Justice and for Gaming – listen to the question because it also concerns him, that, in relation, for example, to particular sectors like the gaming sector, which is already facing considerable difficulties from pressures in the United Kingdom that, we would not want to do anything that places obstacles and impediments in the way of these companies?

Hon. G H Licudi: Mr Speaker, it is, of course, not a matter for the hon. Member to direct me, or to suggest what I can do or cannot do on this side of the House.

455 The hon. Member mentions certain difficulties which, presumably, have come to him from the gaming sector. Those are not difficulties that have been brought to me as Minister for Gaming, or Minister with responsibility for gambling. One would have thought that if the industry had a particular issue with a particular Department and there is a Minister responsible for that particular industry that that issue would have been brought to my attention. It has not and, as far as I am aware, that issue simply does not exist.

460 **Hon. J J Bossano:** Mr Speaker, the Department usually sends candidates to vacancies within 24 to 48 hours of the vacancy being recorded with us.

465 I do not think that anybody has complained that that is too long! Of course, they may be complaining about the fact that they are no longer able to do what they used to do, when the hon. Member was in Government. I don't know whether he knew about it and agreed with it, but it had been going on for a considerable time, and that is that, notwithstanding requirements of the law, people used to fill the vacancy first and inform the Employment Service later. It was called 'passing through' by the officials in the Department, and apparently there was no political directive to tell them to do anything else about getting the law respected and implemented.

470 The 'passing through' is now non-existent. Everybody in the private sector and, indeed, in Government Departments, who were as guilty of this, have now accepted that they have to open the vacancy first because, otherwise, what we have is a situation where, in fact, individuals who go to the Department seeking employment are sent on a wild goose chase. They go round half of Gibraltar with lots of cards and all the places that they go to tell them the vacancy has been filled already.

475 That is the change that has taken place and that is a change that is a matter of policy. I am surprised that the previous administration allowed it to deteriorate to the extent that 9 out of every 10 jobs that were registered with the Department were, in fact, jobs that were not available to the people who were unemployed and that only one tenth of the jobs were.

480 **Hon. D A Feetham:** Well, we are actually being told is that it is taking, in some cases, two weeks for adverts to come out from the time that they were notified and that, in fact, there are employers that are actually going to the ETB and asking why the advert has not come out promptly.

485 But can I ask him this – and I hope that he doesn't challenge me to a *mano a mano* in the lobby as a consequence of the question – but does he send notifications to GSLP headquarters to see whether some of his stormtroopers are employed in relation to some of these vacancies, thus causing delays in advertisement of the jobs. (*Interjections*)

490 **Hon. J J Bossano:** Mr Speaker, as long as the hon. Member chooses to put into question my manliness, I will tell him that he can put it to the test any time he wants! (**Mr Speaker:** But he hasn't done so on this occasion.) If he wants a *mano a mano*, we will have a *mano a mano*.

I have no problem, and if he thinks I am too old to take him on, he can test that as well! And we will see who comes off better out of it.

495 **Hon. D A Feetham:** I have to tell the hon. Gentleman that he continues to be value for money! (*Laughter*)

Hon. J J Bossano: Well, he can tell me whatever he wants! But he should know me, having known me since he was a little boy, he should know me sufficiently to know that I am not actually joking. I am deadly serious. So he should take it seriously.

500 Let me say that if the hon. Member thinks that I am sending the vacancies to the stormtroopers – which were his stormtroopers in another age, when he used to consider it a matter of pride and not something to be ashamed of, as he does nowadays – then he has been misinformed by his henchmen, wherever they may be.

505 I can tell him that I was told that during the election campaign there was regular contact between Bleak House and the GSD headquarters precisely in order to infiltrate as many of *their* stormtroopers into the system before we got there, since they could see the way the wind was blowing, and, maybe, because *he* was doing it and *his* party was doing it, he must think that it is common practice.

Hon. D A Feetham: I do not know where the hon. Gentleman gets the information about my communications with Bleak House. I can assure him that there has been no communication, certainly, from me to Bleak House.

510 Has he had an opportunity – because I left him all the files – of going through all the files that I left him of people that had come to see me, some of whom were, in fact, his own supporters that we were trying to help prior to the General Election?

515 **Hon. J J Bossano:** Mr Speaker, when I asked the civil servant that he used to have for the files, I was told there were no such files and they were never given to me. I was given a piece of paper with handwritten notes, and that is all the information that I have.

520 Those people I have checked in the ETB records to see whether they are employed or not and, if they are not employed, then we will, in fact, do everything we can to employ them, regardless of which political party they support, because the commitment of the Government is to employ *all* the people who are unemployed, irrespective of political affiliation. He will know that if he cares to look at the names of the people that go into employment because, in fact, there is no indication. We look at their skills and their ability and their suitability and it will make no difference which way people vote. They will find that I am 100% committed to getting a job for every single one of them.

525 **Mr Speaker:** Before we move to the next Question, again may I just point out there were two words used which I think are quite unnecessary: ‘stormtrooper’ on this side; ‘henchman’ on that side. Both of you know what the English language has to say about both those words.

Next Question.

530

HOUSING AND THE ELDERLY

Housing Waiting Lists

535

Empty homes awaiting repairs

Clerk: Question 290, the Hon. E J Reyes.

540 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many homes are currently empty and awaiting repairs before they can be allocated to applicants on the Housing Waiting Lists?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

545 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, there are 149 flats currently empty and awaiting repairs before they can be allocated to applicants on the housing waiting lists.

Hon. E J Reyes: Mr Speaker, does the hon. Minister have some sort of indication of the target timespan when, perhaps, he would like to see these flats ready for allocation?

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Hon. C A Bruzon: Not exactly, Mr Speaker.

I can inform the hon. Member that we do prepare these flats as quickly as possible and we have a system in place whereby the Housing Works Agency does part of the work and also private sector companies are employed to speed things up for us.

555 I can state in Parliament that we are improving the system and that more houses are becoming available on account of the efforts that we have put in since we came into Government.

Hon. E J Reyes: The Hon. Minister may need a bit more notice, but does he have some sort of indication of whether these are pre-war or post-war houses, or perhaps an indication of the percentage of which fall into which category?
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Hon. C A Bruzon: As the hon. Member hinted, I do not have the facts at my disposal, but I can acknowledge in Parliament that many of the pre-war houses are in pretty poor shape and they do require a lot of refurbishment, both on the outside and within, so these will take a little longer to be prepared – to be made available, rather – but the post-war flats, which regrettably also experience an element of dampness, also require sometimes major refurbishment from within. So it is impossible to give you a time limit or timescale on this, but if you want to know how many of them are post-war and pre-war, I would be happy to provide the information, if you give me notice.
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Clerk: Question –
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Hon. J J Netto: Mr Speaker –

Mr Speaker: The Hon. Jaime Netto.

Hon. J J Netto: Could I ask the Hon. Minister for Housing... I take on board the question of the difference between pre-war and post-war in relation to any refurbishment work that may be carried out – meaning that the pre-war, obviously, would, by nature, have more work involved – but in relation to the moment when the Housing Department at City Hall get the vacant keys and the process starts, whether the refurbishment is going to be taken either by the Housing Works Agency, or now, as the hon. Member has said, the private sector, does he have an indication as to the time it will take for at least work to *start*, because another thing would be how long it would take, depending on the condition of the house? At least does the Hon. Minister for Housing know the time between getting the keys, so that the process starts for the works to start? Does he have an indication of that, Mr Speaker?
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Hon. C A Bruzon: Again, it is only an indication, because I do not have accurate facts at my disposal, but there are two dimensions to the process.
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One process is called the cleaning-out process: when flats are made available, we get the keys, we go and inspect them and they need a good clean-out – old stuff that has been left there by the previous tenants. That, of course, could take just a matter of a couple of weeks or less. If there is an element of more serious internal refurbishment that is required, it could take a little longer – a month, two months – because there is an element that requires the drying up, the dampness to dry up, the skimming, the... I am not a technical person, so I cannot give you exact... use technical jargon, but it could take up to a month, maybe two.
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As soon as we get the keys, our inspectors go and inspect the flats and the process is as fast as it can possibly be because we know that there are many applicants waiting for homes to be allocated to them.
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Hon. J J Netto: I appreciate that, Mr Speaker and, of course, I am aware of how the process starts, in terms of cleaning first but, in relation to the work as far as refurbishment of flats is concerned, does the Housing Works Agency – I am only asking – have the first bite of the cherry, in the sense of saying, ‘We do the work, so long as we can do the work in a specified period of time,’ and if they do not do the work in a specified period of time, because they may have other works to do, then the work is taken off the Housing Works Agency and given to the private sector?
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At the end of the day, what the Housing Minister wants is to be able to do the turnover and allocate the house. Is that the system in place?

Hon. C A Bruzon: Yes. The first bite of the cherry, as the hon. Member implies, of course, goes to the employees of the Housing Works Agency and they have to give a commitment to undertake to achieve the task by specific dates. Of course, this will differ, depending on the enormity or the smallness of the jobs. That is why there is the bonus scheme and they are encouraged to work for that bonus, and therefore... That is
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what it is there for. At least that was the idea of the previous administration and we want it to work.

610 There is also the question of the private sector companies that we are using. That is when we are told by the people in charge of the Housing Works Agency that the jobs have to go out so that as many people as possible can be allocated homes in the shortest possible period of time. Then *they* come into play, but the first bite of the cherry goes to the employees of the Housing Works Agency, yes.

615 **Hon. J J Netto:** If I can pursue this a little bit further, Mr Speaker, I guess that what may be happening right now is that, because all the housing projects that the GSD Government had come to fruition, in the months that follow – probably in the 12 months that follow – there is going to be a huge increase of work to the Housing Works Agency, particularly people moving or who have moved already to all the different housing projects, leaving behind the flat they used to occupy in the current housing stock. So that means that
620 the volume of work now in the Housing Works Agency is going to increase.

At the end of the day, what the Minister quite rightly is interested in is to do the turnover of the work so that the people on the waiting list continue to come down. So, is the Minister finding himself in a situation where the volume has increased so much at the moment, as a result of this example I have just given, and it is as a result of that that he is using the private sector? Is that the case, Mr Speaker?

625 **Hon. J J Bossano:** Mr Speaker, the position is that the Government introduced an early-exit package, which has reduced the numbers of people working in the Housing Department by 47 initially. Subsequently, there are still, I think, 16 in the pipeline entitled to take the early-exit package. So the workforce of the Agency is down; it is not that the workload is up.
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Hon. J J Netto: Mr Speaker, notwithstanding what the Hon. the Minister for Employment has said, even when the workforce was much bigger – in fact, even if we go back to 1995, which was at the time of the GSLP Government, because obviously we came in in May 1996, when the workforce was even much bigger – there were cycles in the volume of work. It used to go up and down, regardless of the size of the workforce, and what I am saying at the moment is that what is happening... I *guess* what is happening right now is that
635 the volume of work is increasing at the moment and it will be increasing for the next 12 months, simply as the result of all these people who have been moving into the new housing schemes that we provided. It takes a lead up time between the time they move out and the keys being given to them.

So, at the end of the day, what the Housing Minister wants is a quick turnover of the works to be done, and he might be using the private sector in order to drive the works much forward for the benefit of the people on the housing waiting list. That is what I was trying to get at in my supplementary question. So, formally, my supplementary question is: is he experiencing a surge of volume of work as a result of what I am saying and, in order to meet that work, he is using the private sector?
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645 **Hon. C A Bruzon:** I am trying to understand what the hon. Member is saying. I think the work continues to be the same as it has always been.

Housing stock in Gibraltar consists of over 5,000 homes for rental. It has increased slightly, obviously, because we have had 490 that the other administration, rather late on in their 16-year term, provided, which was very good.

650 Obviously, he has to remember that we distinguish between our manifesto commitments to construct new homes and to refurbish homes as an ongoing thing, but we are talking about 149 empty flats, which was the question asked in the original Question. That Question I think I have answered, and I am not sure if I want to venture and attempt to answer the hon. Member to the extent that goes beyond the knowledge I have at the moment in connection with Question 290, basically.

655 You may ask another supplementary, if you wish to make it clearer.

660 **Housing Waiting Lists
Additional applicants since Q178/2012**

Clerk: Question 291, the Hon. E J Reyes.

665 **Hon. E J Reyes:** Can the Minister for Housing state how many additional applicants, since the answer given to Question No. 178/2012, have been added to the Government's Housing Waiting Lists, giving a breakdown of their housing allocation requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

670 **The Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker.
A further 31 applicants have entered the housing waiting lists since the Answer given to Question 178/2012, and the breakdown is as follows: 1RKB, 21; 2RKB, 1; 3RKB, 2; 4RKB, 6; and 5RKB, 1.

675 **Hon. E J Reyes:** These, I take it, as a consequence, have been added to the pre-list?

Hon. C A Bruzon: Yes, Mr Speaker.

680 **Homeless persons**
Additional housing applicants since Q179/2012

Clerk: Question 292, the Hon. E J Reyes.

685 **Hon. E J Reyes:** Can the Minister for Housing state, since the answer given to Question No. 179/2012, how many new applications for housing from homeless persons have been received?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

690 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Since the answer given to Question 179/2012, no new applications for housing from homeless persons have been received.

695 **Hon. E J Reyes:** Therefore, Mr Speaker, the situation in respect of the homeless persons remains exactly the same at the figure of 25, as it was a month ago.

Hon. C A Bruzon: I would have to check with my staff but I hope that some of those 25 have already been allocated a house. I cannot be sure, so I would need notice of that question.

700 **Hon. E J Reyes:** Yes, thank you.

Mr Speaker, would the Minister try to, if possible, give me some sort of explanation, what priorities is it his policy to try to give to homeless persons, because he did explain to me, two meetings ago, that although they fall under the nomenclature of 'homeless', they are not necessarily sleeping out on the street.

705 I do now happen to know, and am personally aware of, a couple of cases of people who have no roof over their heads, and actually have to beg and borrow, sometimes, little vehicles in order to have a roof over their head at night time. So the Minister might want to enlighten us as to what sort of priority he is giving these people.

710 **Hon. C A Bruzon:** Well, some of these cases go to the Allocation Committee for their consideration, and then they will provide advice to the Minister as to how... with what speed we should proceed with some of these cases.

715 **Hon. E J Reyes:** And some of these cases, Mr Speaker, when they turn up at the Housing Department sort of desperate, they have no roof over their heads, they, for some reason or other, they don't seem to leave satisfied that a certain urgency is being allocated to their case. One particular applicant was explaining to me that, not blaming the Minister directly, but is perhaps a bit under the impression that the information is not being quite forwarded to the Minister of how desperate her own situation is. Is there some advice or otherwise that the Minister can offer, where this lady can, perhaps, get an opportunity to see him as soon as possible?

720 **Hon. C A Bruzon:** Absolutely. If the hon. Gentleman will be kind enough to give me her name in the ante-chamber, I will do my best to see her and help her.

Hon. E J Reyes: I really appreciate that, Mr Speaker.

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**Housing Allocations Committee
Meetings since Q180/2012**

730 **Clerk:** Question 293, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since the answer provided to Question 180/2012?

735 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, since the answer provided to Question 180/2012, the Housing Allocation Committee has met three times.

740 **Housing allocations since Q181/2012
Breakdown and assigning authority**

Clerk: Question 294, the Hon. E J Reyes.

745 **Hon. E J Reyes:** Can the Minister for Housing state how many homes have been allocated since the answer to Question 181/2012, giving a breakdown of the size of home and indicating whether these have been assigned on the advice of the Housing Allocation Committee or by any other authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

750 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, since the answer to Question 181/2012, a total of 31 homes have been allocated. Two of these were not assigned by the Housing Allocation Committee.

The breakdown is as follows: 2RKB, 9; 3RKB, 17; and 4RKB, 5.

755 **Hon. E J Reyes:** Mr Speaker, under what authority, have... [*Inaudible*]
Sorry, Mr Speaker, if it is not on the advice of the Housing Allocation Committee, by what authority have those two homes been allocated?

760 **Hon. C A Bruzon:** Let me remind the hon. Gentleman that I am the Housing Authority and, in fact, I allocate every single home, on the advice of the Allocation Committee.

These two incidents were exchanges of one [*inaudible*] flat to another. So the Allocation Committee did not have to be involved. It was a straightforward matter.

765 Maybe I should also explain that the Housing Allocation Committee comes into play, more than anything else, when there are elements where applicants have medical conditions, there are serious social issues and they provide advice to the Housing Ministry, so that we just simply look at these specific cases, and their assistance, of course, is invaluable. The process just carries on naturally, in terms of whose turn is it to have a house next.

770 I sit with my Housing Manager, and we look at the empty flats that are given to us – the keys to those empty flats – and we actually authorise and sign the allocation of every single home. The Housing Allocation Committee will then, at a later stage, be made aware of *all* the allocations that have taken place.

So the question that you have asked me two or three times is one that I myself am responsible for, because I used to ask the previous Government, but at the time I did not fully understand the procedure. So the reality is, Mr Speaker, that the Housing Allocation Committee will advise the Minister and the Authority and *I* do all

- 775 the allocations myself. I have got to sign every single allocation.
Everything I do is also submitted to the Allocation Committee, so that they know exactly what is going on, but their advisory role comes into play mainly in what concerns medical cases, social cases, etc. There is a system in place and we follow that system. (**Hon. E J Reyes:** Yes.) Whoever is next on the list gets the next home.
- 780 **Hon. E J Reyes:** Basically, if I have understood it correctly, and I had always had that interpretation which the Minister now says he also sees but, in respect of two allocations that have been given, they were not necessarily on the recommendation there.
However, I am a bit confused – and I may have got this wrong, Mr Speaker – the Hon. Minister mentions that there was an exchange there, so it is not really a new allocation of a flat, but rather a person living in address *A* has moved on to address *B* and has therefore taken over a property but handed one back in, so it does not necessarily follow, then, that the number of applicants has been reduced. It remains the same; it is just that this person has been moved for reasons sometimes that a person may be considered by either the Housing Allocation Committee or by a Minister – and I think rightly so – you allow the person to move somewhere else, mainly connected with medical reasons, but it does not help to reduce the housing waiting list. (*Interjection*)
- 790 **Hon. C A Bruzon:** The Minister is, in a sense, right.
I was going to simply say that all the allocations have been made on the advice of the Allocation Committee, but I was asked to explain it in this way. That is why I have done it like that.
- 795 **Mr Speaker:** The Hon. Jaime Netto.
Hon. J J Netto: Mr Speaker, can I –
- 800 **Hon. J J Bossano:** I would like to... Mr Speaker, the hon. Member is wrong in saying it does not reduce the waiting list.
It does reduce the waiting list by one, because that person may have been waiting for the house to become available, and the exchange means that he is no longer –
- 805 **Hon. E J Reyes:** Yes, I see.
Hon. J J Bossano: So there is one person less.
- 810 **Hon. E J Reyes:** Yes, Mr Speaker, let us say, if it is an exchange of a 2RKB for another 2RKB, we have had a case... It could be an exchange from a 2RKB to a 3RKB and, therefore, it does then remove an applicant who was a 2RKB tenant, applying for a 3RKB.
I am grateful for that clarification, yes.
- 815 **Hon. S M Figueras:** I think, Mr Speaker, sorry – just for purposes of clarification, the number of allocations that you referred to, how many were transfers by allocation *versus* allocations to people on the current list? I do not know whether – I cannot recall this as something that has been covered. If it has, I apologise but I did not quite get it.
- 820 **Hon. C A Bruzon:** The 31 homes that have been allocated have been allocated for people on the Housing Waiting List – period.
Hon. J J Netto: Mr Speaker, can I just point out to the Hon. Minister for Housing that, in terms of allocation – in fact, he may have found himself already in this position – as far as the decanting is concerned the Minister might find himself, as I used to find myself on a few occasions, in a situation where the housing inspector would actually go out to inspect a particular flat – sometimes even a flat in the private sector – and submit a report on the basis of Health and Safety, whether the Health Inspector may find himself that there were electrical faults maybe endangering the lives of people or the structural building was in such a detrimental state and, on the basis of that report, if the Minister is satisfied that he has to take urgent action
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830 and this is not something that he can wait for the next meeting of the Housing Allocation Committee, then the Minister, obviously, should act on the basis of putting Health and Safety before the normal procedure.

I do not know whether the Minister has already found himself in a situation like that but certainly it is something that you need to act very quickly. Has the Minister already found himself having to act in those circumstances on the basis of decanting?

835 **Hon. C A Bruzon:** The reality is that the hon. Member is right, there are situations whereby people – even elderly ladies...

I had a case, not so long ago, who lives in private rental accommodation in a fairly disgraceful state of affairs and, of course, we do our best to help them but then the system comes into play. The case goes to the Allocation Committee. She could well be placed in Social Category A or she will be placed on the homeless list. Therefore, we move as fast as possible to find an adequate home for her, or for him.

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Clerk: Question –

845 **Hon. E J Reyes:** May I, Mr Speaker – ? Just something... I am sorry, I have only just noticed now.

Last Question Time, the Hon. Minister said that, the previous session, he had managed to allocate 36 new homes, and there were 40 offers that had been made that, hopefully, he was expecting.

Am I correct in assuming that these 31 that have been allocated are 31 who accepted of the 40? Because I do not know how to account for the figure. Is it 31 *after* those 40 offered, or these 31 could be from the 40 that were offered?

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Hon. C A Bruzon: I have not got the exact answer. The 40, however, offered were obviously offers of allocation.

I know for a fact that just a handful did not accept. So it could well be that these 31 *are* the ones that have been allocated since the last question was asked, yes.

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**Housing tenants
Works completed since Q182/2012**

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Clerk: Question 295, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many tenants, since the answer given to Question 182/2012, have had their pending works completed?

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Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will answer this Question together with Questions 296, 297 and 298.

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**Housing tenants
Additional works required since Q182/2012**

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Clerk: Question 296.

Hon. E J Reyes: Can the Minister for Housing state how many tenants, since the answer given to Question 182/2012, have been added to the list requiring works to be done in their homes?

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**Housing Agency
Jobs completed since Q183/2012**

Clerk: Question 297.

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Hon. E J Reyes: Can the Minister for Housing state how many jobs, since the answer given to Question 183/2012, have been completed from the list requiring the attention of the Housing Agency?

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**Housing Agency
New jobs added to list since Q183/2012**

Clerk: Question 298.

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Hon. E J Reyes: Can the Minister for Housing state how many new jobs, since the answer given to Question 183/2012, have been added to the list requiring the attention of the Housing Agency?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

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Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, in answer to Question 295, since the answer to Question 182/2012, a total of 88 tenants have had their pending works completed.

Since the answer given to Question 182/2012 – and now I am answering Question 296 – a total of 41 tenants have been added to the list requiring works to be done in their homes.

In answer to Question 297, since the answer given to Question 183/2012, 321 jobs have been completed from the list requiring the attention of the Housing Works Agency.

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The answer to Question 298 reads as follows: since the answer given to Question 183/2012, a total of 47 new jobs have been added to the list requiring the attention of the Housing Works Agency.

Hon. E J Reyes: Thank you for that information, Mr Speaker.

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I do not know if it is correct, but would the Minister agree with me that we seem to be able now to be completing more jobs from one Question Time to another than the number of questions coming in. Am I correct in my simple mathematics?

Hon. C A Bruzon: Yes, that is right.

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Hon. E J Reyes: That augurs quite well for the Housing Works Agency and, if you have a chance, please congratulate them on my behalf.

Hon. C A Bruzon: Thank you very much, Mr Speaker.

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**Housing Agency
New jobs contracted out since Q184/2012**

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Clerk: Question 299, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many new jobs have been contracted out, and to which companies, by the Housing Agency since the answer given to Question 184/2012?

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Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, the number of jobs contracted out by the Housing Works Agency, since the answer given to Question 184/2012, is 13, as follows: Gemini

940 Riteway Scaffolding Ltd, 6; Skybridge Ltd, 6; Health Safety and Environmental Consulting Ltd, 1. That makes a total of 13 jobs.

Hon. E J Reyes: An increase of? What was the *[inaudible]* numbers compared to last time? Any particular reason that the Minister may wish to enlighten us why, last time, only five had to be issued out and now 13?
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Hon. C A Bruzon: The demand for jobs increased and more jobs were given out to these companies. That is a fairly straightforward answer, I think.

Hon. E J Reyes: Sorry, Mr Speaker, I did not quite phrase it properly. What type of jobs? Is it a particular nature because of major structural problems, or?
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Hon. C A Bruzon: Without having the information in front of me, I would venture to suggest that these are to do with external jobs, because the Housing Works Agency – up to now, anyway – have been concentrating on *internal* refurbishment work. The concept that I want to introduce is for big jobs and small jobs, and if our boys cannot do the small jobs, the big ones, obviously, will go out to private contractors.
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The important thing, as I keep saying, Mr Speaker, is that we have to provide as many homes for our people as possible and this is being done as we speak.

Hon. J J Netto: Mr Speaker, I am somewhat confused. In the figures that he has provided that 13 particular jobs are being put out to the private sector. Leaving aside the six works which is to do with scaffolding, the balance, was it works to do with that refurbishment, or was it works to do with some other kind, which not necessarily means work with flat refurbishment?
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Hon. C A Bruzon: I really cannot answer that question, Mr Speaker. I would need notice. I am sorry.
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Hon. J J Netto: Fair enough, Mr Speaker, given the comments that the hon. Gentleman just said, to the effect that the big jobs would go to the big contractors because, obviously, of the size of the work, the housing works, they may not be able to do it and the smaller jobs might be the type of work that the... Does he have any particular threshold, in terms of money, where it would determine what goes to the big contractors and what goes down to the small contractors? Does he have that in mind?
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Hon. C A Bruzon: There are technical officers who will advise the Minister as to which jobs go to which company, or whether they will be handled by the Housing Works Agency and, as far as money is concerned, then I have not got the information available, Mr Speaker.
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Hon. J J Netto: Mr Speaker, I am aware of that but, normally, as far as the technical officers, which he is referring to, they would have different thresholds. They would probably say, look, a job, which may cost from £5 to £1,000, we will give it to the self-employed person. A job that may cost between £1,000 and £10,000 may go to the small contractor that may employ 10 people, but a big job that costs £250,000 or £500,000 would go to the big contractors.
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That is what I am asking the hon. Gentleman. Fair enough, he may not have the information available there with him, which is fair comment to say, but what I am trying to determine is, as far as his Department is concerned, where are the thresholds in terms of value for money in jobs, before deciding whether it goes to a big contractor or to a small contractor in the private sector.
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Hon. J J Bossano: Mr Speaker, the change has not yet been introduced of moving for a criterion of small and big. The original criterion that was introduced when the Agency was set up is the one that is still being applied, which is inside and outside.

I think the logic of inside and outside is that it is assumed that the inside jobs will require less resources and less manpower and the outside jobs will require more. But that is not necessarily so in every case. Consequently, it would be a question, once the new policy, that we have been discussing with the people concerned, is actually put into effect, that it will not just be a question of value, but a question of the pool of resources that we have.
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995 For example, we have got a situation where the hon. Member must remember that, given that the
opportunity to take the early exit was given to everybody, we are committed to respecting that agreement and
continuing with it. It does mean that the mix of trades can, unintentionally, become unbalanced, simply
because more people choose to go who are plumbers, and less people choose to go who are carpenters. So you
could finish up where, not only have the numbers gone down, but the profile of the workforce has changed
1000 and, therefore, what the Agency can take on may not just be a question of the *value* of the job, but the *size* of
the job, given the number of carpenters, or given the number of plumbers, or given the number of masons.

So when we move from inside and outside to *size*, it will be that whether the job is an inside job or an
outside job, they will tell us, look, if we can do a job inside a house and it is going to take ages, because we
have only got three plumbers, then the logic is that we want to get the house ready quicker, we may need to go
1005 to a contractor. So it is not as straightforward as drawing a line and saying anything above this cost goes out
and everything below it stays in.

Hon. J J Netto: Mr Speaker, I accept everything the hon. Gentleman has said, in terms of the availability
of skills that may be available for the Housing Works Agency to do the job. Indeed, this is one of the areas,
perhaps, from his employment angle, he may be able to look at, if there is a scale of certain skills to
1010 complement the needs of the Housing Works Agency.

Absolutely, but the Hon. the Minister for Housing, in his previous answer, from my hon. Colleague, Mr
Reyes, when we were talking about allocation of flats, he was also talking in terms, not just of value for
money for works that go outside, but he was also talking in terms of timing for the job to be done. Therefore,
1015 the only determination for putting the jobs, the way I understood it from him, was not just the size or the value
of the work that would be going out, but also, if the work is registered to be done and never gets done, the
implication of the comment that the Hon. Minister said before was, if the work does not get done, beyond a
certain amount of time, then that will trigger giving the job to the private sector.

That is the implication of what the hon. Member was saying in terms of flat allocations. This is what I was
trying to get at, not just in terms of size and money, but also in terms of timing, so that the work gets done.
1020 Perhaps if he could clarify that, it would be very good.

Hon. C A Bruzon: I do not think I said, but if I did –

1025 **Hon. J J Netto:** It was an implication.

Hon. C A Bruzon: – an implication, okay.

The aim – and I speak in general terms – because I cannot talk about thresholds or about how much money
exactly has to be requested from a contractor before we do this or that. I am not... I have not been briefed on
that. That is why I am trying to explain to the Member, that there are some of the supplementary questions for
1030 which I would need notice.

The reality is that we do our best to get – as soon as we get the keys handed over to us – our inspectors
will inspect the flats. Then the decision will be made as to whether it is just an easy, clean-out job, or whether
refurbishment has to be done in the flat and that is happening as we speak, in connection with the 149 flats
1035 that was in part of the answer I gave to the Hon. Mr Reyes.

**Housing applicants living in Spain
Creation of new waiting list since Q185/2012**

1040 **Clerk:** Question 300, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing confirm if, since his answer to Question No. 185/2012, he
has opened a separate housing waiting list for applicants currently living in Spain and wishing to return
1045 home?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1050 **Minister for Housing and the Elderly (Hon. C A Bruzon):** The simple answer is no, Mr Speaker.
Since the answer given to Question 185/2012 no separate housing waiting list has been opened for applicants currently living in Spain. I may add, as I think I mentioned last time, that the demand is, literally, very limited. One or two people have expressed an interest and I have got... I have made a note of that and my staff is aware of this. So we have not really opened an official list yet.

1055 **Hon. E J Reyes:** Mr Speaker, although I do not disagree that the demand may be small, for those one, two or three people, for them it is a question of wishing to return home and not being entitled to go into the pre-list or any housing list proper and so on. So, for them, they are not interested in the numbers, but rather interested in the quality of life and they are expressing to me a desire to see this list open, as has been promised by the Members in their manifesto.

1060 **Hon. C A Bruzon:** I do take his point, Mr Speaker.
The reality is that there are, as the previous administration is well aware of, people who offer a local address. This is the reality, I think, both the previous administration and our administration is aware that there are people who wish to live in Gibraltar. It does not mean to say that I am forgetting them, or putting them to one side, certainly not, we are trying to advise them to go through a procedure, which is legal, we do not want people to lie, but if there are valid reasons why they have been forced to live in La Línea , or whatever, we keep them in mind and, whether or not there is a list, there are a number of people already on the housing waiting list who provide local addresses and we are trying to do our best to help them.

1070 **Mr Speaker:** The Hon. Daniel Feetham.

1075 **Hon. D A Feetham:** Yes, given the fact that he now says that the demand from people living in Spain – Gibraltarians living in Spain – is very small and I think he mentioned a figure of one or two, will he not accept, therefore, that the criticisms that he levelled against my Government, that there were ‘scores of Gibraltarians’ forced to live in Spain, because we were not providing accommodation here in Gibraltar for them, was misplaced and was wrong?

Hon. C A Bruzon: No, Mr Speaker.

1080 **Hon. D A Feetham:** Well, Mr Speaker, how could he possibly justify the statement he has been making over the past four years about those ‘scores of individuals’ living in Spain, who could not find accommodation here in Gibraltar in the light of the statement that he has made a few moments ago that the demand is very small and there are only two individuals, that, in fact, have expressed a desire to come to Gibraltar from Spain, to the hon. Member?

1085 **Hon. C A Bruzon:** These one or two individuals, Mr Speaker, have approached us in connection with our manifesto commitment. It is as simple as that. They have read the manifesto, they are aware that we are opening a new list, and they have got in touch with Housing. That is all.

1090 By the way, I did not spend the four years criticising the GSD administration because they had ‘forced people to live in Spain’. The reality is that some of our Gibraltarian people had to go into Spain, because the GSD Government took much longer than they should have in the construction of rental homes for our people.

1095 **Hon. D A Feetham:** Just in relation to that last point, it gives me an opportunity of asking this supplementary. I thought I heard him say that the GSD had constructed 490, nearly 500, homes for rental and that that was very – I think he used the term ‘insignificant’ (**A Member:** Slight.) – a slight increase in the rental stock. Does he not accept that 490 rental flats over 5,000, if I may, I know that this question makes Mr Costa nervous, but he has an opportunity to – (*Interjections*)

1100 **Mr Speaker:** Order! Order?

Hon. N F Costa: On a point of order, I simply said that the number was 500 or 400 over 15 years. I was just making his question complete, that is all.

1105 **Mr Speaker:** Yes, well... Order!

That remark was made from a sedentary position. It should not have been made and any Member on his feet would be well advised to ignore remarks made from a sedentary position.

1110 **Hon. D A Feetham:** Yes, well, will he not accept that, in fact, 490 over 5,000 is *not* an insignificant amount and will he not congratulate the previous administration for being the first administration (*Interjections and applause*) to construct Government rental homes since Varyl Begg Estate was constructed in the 1970s?

1115 **Hon. C A Bruzon:** I will certainly *not* congratulate the previous administration for *only* constructing 490 rental homes for our people.

Those 490 homes, Mr Speaker, that was a good thing and I have always acknowledged that in Parliament, I wish they had done that four, five or six years earlier to help the people on the waiting list. The reality is, Mr Speaker, that when those 492 flats were actually allocated, the housing waiting lists were not reduced by 492, because only 139 Government flats were made available to people on the waiting list because many of the people who moved from Government rental accommodation to those 490 new rental flats did not necessarily vacate rental accommodation. The lists were not reduced in the way that the GSD *hoped* they would. They were not reduced to the extent of 490. Only 139 flats were actually made available to people on the housing waiting list, Mr Speaker.

1125 **Hon. D A Feetham:** Given that he is critical of the fact that the GSD only constructed 490 rental homes during 16 years, will he also join me in condemning the hon. Member, the former Leader of the Opposition and Chief Minister for eight years here in Gibraltar, for constructing *no* rental homes when he was Chief Minister of Gibraltar. (*Applause*)

1130 **Hon. N F Costa:** That is inaccurate. That is not true. He knows it is not true.

Hon. J J Bossano: Mr Speaker, I was not responsible for constructing homes. The Government was responsible for reducing, in eight years, the waiting list, under Ministers which *he* at the time supported.

1135 **Hon. D A Feetham:** I was in the UK at the time.

Hon. J J Bossano: Well, yes, but I imagine you supported the Minister who was responsible for the estates – as he happens to be your dad! (*Applause*)

1140 **Mr Speaker:** Order.

1145 **Hon. J J Bossano:** And I think a magnificent job was done, which reduced the waiting list and which produced 50/50 home ownership at prices of £18,000 and £19,000 which, in fact, taking into account the tax breaks introduced by the GSLP administration, were practically at the level of rents. That is to say, people were moving from rented accommodation and getting an opportunity to buy 50% of a brand new house for very little more, in net terms, than they were already paying in rent and that meant that the waiting list was dramatically reduced. (**A Member:** Hear, hear.)

1150 In 1996... (*Applause*) (**Several Members:** Hear, hear.) In 1996, the hon. Member will know that the party that existed then, to which he did not then belong and which then he used to criticise as much as *we* did, came in and actually allowed the waiting list to grow bigger and bigger and bigger (**A Member:** Shame!) and, eventually, when it was getting *so* big that it was going to sink them, they came up with this estate which they promised in one manifesto and then had to re-promise in the subsequent manifesto, (*Interjection*) before they finally completed it in a rush, at the last minute, having paid many millions of pounds over the original costs, when all the companies...

1155 So I think if we compare the eight years of the GSLP and the first eight years of the GSD, the comparison is that the first eight years of the GSD were lousy; and if we compare it with the *second* eight years, all that they managed to do in the 15 years is to put the [*inaudible*] the list which they inherited. All that they did was to re-house and re-accommodate and allocate property to people that *they* had allowed to go on to the list after 1996, and the figures today show that the list today is where it was in 1996, but not where it has been in

1160 between. So, fortunately, we are now able to continue what we started doing in 1988 and we will show, in three-and-a-half years' time, what it is possible to do with a Government that is committed, as the eight years before proved. (*Applause*)

Several Members: Hear, hear.

1165 **Mr Speaker:** Order. Order. Before the hon. Member carries on, I ought to remind the Hon. Minister it is not in order to refer to relationships in regard to any Member of this House. The reference to 'your dad' was not proper.

The Hon. Daniel Feetham.

1170 **Hon. D A Feetham:** Mr Speaker –

Hon. J J Bossano: Can I just say that I intended no offence. I did it in the affectionate way (*Laughter*) that reflects the warmth of feeling that I have for a colleague who did such an excellent job in building those housing estates.

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Mr Speaker: I am sure no offence was intended, but the rules... my distinguished predecessor ruled 15 or 16 years ago that, whilst it is proper to name persons by their proper name, it is not proper to refer to anyone by relationship.

The Hon. Daniel Feetham.

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Hon. D A Feetham: Yes, well, Mr Speaker, I do not mind at all –

Mr Speaker: No, no.

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Hon. D A Feetham: – and let me tell the hon. Gentleman that my father shares exactly the same warmth for him as he shares for my father.

My father was his best man at his wedding and I think that the hon. Gentleman was my father's best man at his wedding. But he should also recognise that, in my political career, I have shown more than once that I am my own man, that I am not my father's keeper and that simply because my father was a Minister in the GSLP Government, does not mean that I was born into that tradition, – because, clearly, I *was* born into that tradition – but that does not mean that I am bound to follow that tradition or, indeed, keep quiet and not express criticisms of him or his Government when I believe that it is justified. I will continue to do so, whether my father was a Minister in his Government or whether he was not.

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Now, Mr Speaker, does he not accept that it is the height of political hypocrisy for the hon. Member to have made the comment that he made a few moments ago, that there is not any demand from Gibraltarians resident in Spain and there are only two people who have approached him, when not only him but you yourself spent a considerable amount of time during the last four years criticising our administration precisely on those grounds? Now, either there was a huge demand then and there is no demand now, which is very odd indeed; or, alternatively, this really is a case of the height of political hypocrisy.

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Hon. C A Bruzon: Mr Speaker, I am just as concerned about the 28 people who the GSD acknowledge were living in Spain as I am for the 1,500 Gibraltarians still waiting for housing, (*Applause*) which the other Government did not do as much as they should have, in their 16 years, to provide homes for those people.

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As Mr Bossano has just said, my colleague here, the housing waiting list was reduced to a mere 200 or 300 when their term in office regrettably finished in 1996. It has been going up and up and up to a figure of about 1,680, which was when it reached the top a year or two ago. It was reduced slightly, yes, to 1,490 to 1,500. There were new rental homes made available, but the reality is that my criticism of the previous administration on the way in which they did *not* make adequate provision for the people on the waiting list, that criticism is as valid now as it was then.

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I have always acknowledged in Parliament that what they did in Bishop Canilla was good – 82 or 86 flats – but by 'always', I do not mean that I said it every single day, 24 hours a day. I did refer to this a couple of times, when the then Chief Minister reminded me that they had done 82 or 86 houses for rental. The reality is that they inherited Edinburgh House, handed over by the MoD. The reality also is that, in their 16 years in

1215 office, Mr Speaker, they did not do *enough* to cater for the demand of people on the waiting lists and that criticism from me, and I assume from all my colleagues, is still as valid now as it was then.

Clerk: Question 301, the Hon. E J Reyes.

1220 **Mr Speaker:** The Hon. Minister.

Hon. J J Bossano: The hon. Member opposite has made the mistake of inviting me to agree with him that the statement made by my hon. colleague was the height of hypocrisy. He should know how dangerous it is to tread on that ground. I will tell him what I consider to be the height of hypocrisy.

1225 I think it is the height of hypocrisy to have just heard him say that he is his own man, that the fact that the Hon. Mr Feetham was a colleague and a very close friend of mine, and continues to be a very close friend of mine and did a very good job, does not mean that he cannot criticise him, because he seems to have forgotten that the *only reason* that he came to Gibraltar – he told me in my face in my office when he was trying to persuade me to hand over the control of the GSLP to him – (*Interjection*) was that he was here to get rid of Mr Caruana for all the nasty things that they had said about Mr Feetham, and that he was not interested in coming
1230 back to Gibraltar, that he was not, in fact, a person with any political ambition and that the only reason why he thought I should do a secret pact with him and pretend I was still going to carry on in the leadership of the party was so that *he* could do what he claimed I could not do, which was, in fact, to rid Gibraltar of the GSD and of Mr Caruana!

1235 *All that* is evidence of what the height of hypocrisy means – not whether there are 28 people in La Línea or two.

Hon. D A Feetham: Well, with respect, the hon. Gentleman has sidestepped the question.

1240 Now, look, if he wants to conduct a debate about Daniel Feetham, we will conduct a debate about Daniel Feetham. I do not recognise anything that he has actually said and it is a matter of public record. I wrote to him, saying to him that I was not going to be standing for election, asking the hon. Gentleman for a commitment that if he lost four elections in a row he should go. I shouldn't have even asked him for that because that is the only decent and credible thing for a leader in his position to have done, having lost four elections. (**A Member:** Hear, hear.)

1245 But, Mr Speaker, is –

Mr Speaker: Order. Order.

May I just say, I think we are straying away from the question on housing. We are now straying into the realms of internal party politics, with which I do not believe most Members of the House are interested.

1250 **Hon. J J Bossano:** If there is a question, I am happy to answer.

Mr Speaker: Can we stick to the housing issue, please.

1255 **Hon. D A Feetham:** Is he avoiding the question? Is it not the height of political hypocrisy for the Minister for Housing to stand up in this House today, saying there is no demand of Gibraltarians living in Spain for housing in Gibraltar, having *him* constantly bleating on over the last four years that there were Gibraltarians living in Spain because of the actions of the GSD Government?

1260 **Mr Speaker:** The Hon. the Minister of Employment.

1265 **Hon. J J Bossano:** Mr Speaker, the hon. Member invites me to agree with a value judgment that he is making about what constitutes 'the height of hypocrisy'. Therefore, in order to determine whether *this* is the height of hypocrisy or what he was saying half an hour ago is the height of hypocrisy, in order to do justice to the question that he is putting to me, I have to say, well, look, he is a man who says, 'People should not think that because Mr Feetham senior was your best man and was in the –

Hon. D A Feetham: Mr Speaker, point of order.

You have already made a ruling in relation to this. I have accepted it and I have not carried on with the

1270 many points that I could make about the hon. Gentleman opposite. He *insists* on deviating the answer to the question about something that is completely and utterly irrelevant. I am prepared to have a debate with him about this.

1275 **Mr Speaker:** I take the point. Yes, the Hon. Minister is requested to focus his answer on the question about housing.

Hon. J J Bossano: Mr Speaker, you ruled that I could not talk about –

Mr Speaker: Internal party politics.

1280 **Hon. J J Bossano:** No, no.

No, Mr Speaker, you ruled, if you will excuse me (**Mr Speaker:** Certainly.) and I take a very careful note because I always obey a rule. You told me I could not say it was 'his dad'. I am not saying it is his dad any more.

1285 **Mr Speaker:** I accept that.
No, the point is –

Hon. J J Bossano: So, therefore, I am talking about *my* Minister.

1290 My Minister, Mr Feetham senior, right, was a person who was at the receiving end of many, many accusations from the GSD and consequently –

Hon. D A Feetham: He was on the receiving end of many accusations, mostly from his own supporters!

1295 **Mr Speaker:** Order! Order!

A Member: – and if he wants to continue –

Mr Speaker: Order! Order!

1300 **Hon. D A Feetham:** If he wants to continue with this line (**Mr Speaker:** Order!) I will happily have this debate with him. (**Mr Speaker:** Order!) I have no problem at all.

Mr Speaker: Order! The Hon. Minister is in the middle of an answer.

1305 **Hon. J J Bossano:** He is asking me, Mr Speaker – and I do not know whether the rules permit that kind of question, but the question has been allowed – and the question is: do I agree with him that saying that there was a big demand from people living in Spain to live in Gibraltar, and now saying that there are only two who have actually come forward, is the height of hypocrisy?

1310 I am being invited by the hon. Member to express my view on whether that constitutes the height of hypocrisy and, therefore, by that invitation, I have to respond to say, 'Well, look, I do not think this is the height of hypocrisy because what I think is the height of hypocrisy is the things that *you* do, and the things that you have done, and the fact that you said you had come to Gibraltar to clear up the unfair and unjust accusations against one of my Ministers, for which I was very grateful you wanted to do that. But now you are telling us that, in fact, you now agree with the people who did all those things to my Minister and that you agree with the views of the people who did it. *That*, I think, is the height of hypocrisy. That is my answer.

1315 **Hon. D A Feetham:** Mr Speaker, there has to be an element of fairness in relation to this. (**Mr Speaker:** Absolutely!) You have allowed him to make all of this and, really, I do not mind, because I do not mind having a debate on this and throwing back at him what he throws at me. But the reality is that, if we are to have proper, structured and effective proceedings of Parliament, then your rulings must be respected by both sides.

1320 **Mr Speaker:** Absolutely! There was no question, I think.

1325 **Hon. J J Bossano:** Mr Speaker, can I ask you to clarify: is it not correct that the questions are supposed to be to obtain information and not opinions? (**Mr Speaker:** Absolutely!) Well, if he is asking me to agree what is the height of hypocrisy, he is asking me to express a value judgement and an opinion. Then the question should not be allowed and then none of this would happen.

1330 **Mr Speaker:** Yes, the question was an invitation to express a value judgement and an opinion which, in strict practice, should not be allowed. I did allow it, as there is a certain degree of latitude allowed in questions and the Minister and, indeed, well, both Ministers were given the opportunity to express their view on the matter, which we are, of course, listening to.

1335 The ruling I did make, was that, because the matter was straying from expressing value judgements on *housing*, I did not feel it appropriate to engage in, or bring up matters of internal party politics, because that would take the debate further from housing than ever before, so that was my way of seeing it and that is the way it should be conducted.

1340 **Hon. D A Feetham:** Mr Speaker, because it is not the first time that he has done it. He has done it on a number of sessions. (*Interjection by Hon. J J Bossano*) He appears to – I am addressing the Speaker, please may I be allowed the courtesy that I have allowed Mr Bossano when he has been making his points. It is a number of times that they have made these points and, in my respectful view, are attempting to shield from valid political criticism about comments or policies of the Government by, effectively, referring to my father and what I intended to do and what I intended not to do...

1345 I hope, Mr Speaker, that in the future – and I will have a debate with the hon. Gentleman about it and I do not mind having a debate – but, of course, what I do not want is a situation where, every time there is a political criticism, we then... the hon. Member launches into that kind of political diatribe, because that is really what it is, and Mr Speaker allows him to do so and does not, in fact, cut him short because, of course, if he makes comments like that, then we are bound, on this side of the House, to stand up and make other comments. That is not really the way that parliamentary proceedings ought to be conducted and it is not really what members of the public listening to question and answer expect from us as parliamentarians.

1350 The hon. Gentleman has, during the course of today, mentioned my father, mentioned conversations which did not happen between me and him in, I don't know when. He has invited me to the lobby to have fisticuffs with him and that is not the way parliamentary proceedings ought to be conducted.

1355 **Mr Speaker:** Can I just bring this debate to an end by making one clear ruling and I will enforce that very strictly henceforth: internal party politics – whichever party you are talking about, whatever the circumstances – is not a subject properly to be discussed in this forum. Parliament is *not* about internal party politics. That I think is very clear and we will all observe that henceforth, very strictly.

1360 The Hon. Charles Bruzon.

1365 **Hon. C A Bruzon:** As the original question was for me to answer, may I just make a comment in connection with supplementary remarks made by the Hon. Daniel Feetham, that the demand that I am referring to was not the demand for housing coming from people who have had to be housed in Spain because there was not sufficient rental homes in Gibraltar. The demand that I was talking about was the demand in connection with the list, that new list. That is all, Mr Speaker.

Mr Speaker: The Hon. Edwin Reyes.

1370 **Hon. E J Reyes:** Mr Speaker, I know it was a while ago, but am I right in interpreting then that what the Hon. Minister for Housing is now saying is that every single applicant on the housing list, as it stands today, will be given a house within the current term of office?

1375 **Hon. C A Bruzon:** Not everybody who is on the housing waiting list today, Mr Speaker, but those who were on the housing waiting list, pre-list and list on 9th December. They have an assurance from us that they will be housed before the four term in office is completed.

Hon. E J Reyes: That, Mr Speaker, is a slight deviation from the manifesto commitment, because the manifesto commitment says that those who were on the housing list prior to election day will be allocated

1380 during their term of office and that those subsequently putting their names down will be allocated a house within a three-year period. So, a three-year period is less than what their term of office is left, therefore it should mean that everyone today on the housing list should be allocated within the term of office.

1385 **Hon. C A Bruzon:** Mr Speaker, the assurance and commitment that we offer is that all the applicants on the waiting list as on 9th December will be allocated a home within the four term in office. After that, people who go on the list later on, will be allocated a home in three years, but we have to do the first part first. We have to complete the four-year commitment in connection with housing those people on the waiting list on 9th December.

1390 **Hon. E J Reyes:** Mr Speaker, my understanding is slightly different. It says:

‘The supply of new homes will be kept under review in the light of applications received from 9th December onwards’,

1395 so an application submitted on 16th day of March is after 9th December. Full stop. Next sentence, still within the same paragraph:

‘Nobody in future will have to wait for more than three years to be rehoused.’

1400 Therefore, within three years of today’s date, if I become an applicant, I expect to get a home. Is that not correct, Mr Speaker?

Hon. N F Costa: Mr Speaker, if the hon. Gentleman is confused, because he clearly has not read the paragraph that is above it:

1405 ‘Eliminating waiting list: Everyone on the housing waiting list and on the pre-list on 9th December, who has not received a letter allocating them a flat will also be rehoused before the next election, eliminating the existing waiting list and pre-list. The pre-waiting list will be eliminated.’

1410 In other words, everyone on the pre-list or the waiting list on the 9th will be allocated a house within this term of office and *then* the supply of *new* homes will be kept under review, in the light of applications received from the 9th onwards. So, if he does not understand that, it is because he does not understand reading plain English, I am sorry.

Hon. E J Reyes: No, Mr Speaker, then it is clear that my teachers did not teach me quite well. No, sir.

1415 Two separate paragraphs under two separate headings. One is ‘Elimination of waiting list’, which is what the hon. Member has said. New paragraph, new heading: ‘Waiting reduced to three years maximum.’ Tell me, sir, what do I not understand in English language? It says here, if I put my name down for housing after 9th December within three years I am going to get a house. (**Several Members:** Hear, hear.) Explain to me, Mr Speaker. (*Applause*)

1420 **Hon. D A Feetham:** May I also add to that, so I do not have to ask later on, he finished reading and did not read the sentence that said:

‘Nobody in future will have to wait more than three years to be rehoused.’

1425 **Hon. N F Costa:** That’s right!

Hon. D A Feetham: That is absolutely clear.

1430 **Hon. N F Costa:** Yes, that’s right.

But, Mr Speaker, I am sorry, they are making political mischief and they know it. It is very simple. A plain, ordinary reading of both paragraphs combined give the net result of the answer that the Hon. Mr Charles Bruzon has made.

The difficulty, of course, that Mr Charles Bruzon has is that he is a kind-hearted and polite gentleman, who does not give time to the *ridiculous* misinterpretations that they proffer for political, partisan reasons.

1435 The answer he gave is perfectly clear. I will read it again, so that it is perfectly clear for those who pretend to be able to read plain English, but clearly cannot for their own political mischief reasons.

'Everyone on the housing list and on the pre-list on 9th December, who has not received a letter allocating them a flat, will be rehoused before the next election.

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Everyone. Everyone. Everyone before the next election. All right, so that is a four-year mandate and then it *eminently clearly says*,

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'the supply of *new* homes will be kept under review from 9th December onwards, so that nobody in future –'

i.e. in respect of the new homes, as clearly stated, peradventure,

'will have to wait for more than three years to be rehoused',

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which may I also say, Mr Speaker, given the appalling and atrocious record of the GSD of creating an average of around 40 or 50 flats for rental a year over 16 years is a strong, solid... and I know the people of Gibraltar welcome this manifesto commitment. (*Applause*)

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Hon. D A Feetham: With respect to the hon. Gentleman for *his* interpretation of what this manifesto actually says, you have to be a lawyer and you have to be an extremely *bad* lawyer at that. What you are saying is, that the sentence,

'nobody in future will have to wait for more than three years to be rehoused'

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is a reference to *new* homes. So what you are saying is that commitment only bites when you, on the other side of the House, decide to build new homes. It is the most *ridiculous* 'commitment', if that is the case, that I have ever heard and it is the most ridiculous commitment contained in this manifesto, far more ridiculous than the Future Job Strategy that Mr Bossano came up with at the last General Election.

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Does he not agree with me that the words, 'nobody in future will have to wait for more than three years to be rehoused' only is capable of one meaning and that is that no-one will have to wait more than three years to be rehoused?

Hon. N F Costa: As from 9th December.

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Hon. D A Feetham: Yes, as from 9th December. I understand that [*inaudible*].

Hon. N F Costa: That is the answer. As from 9th December.

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Mr Speaker: Order! Order! Order!

Hon. N F Costa: If I am bad at interpreting, I am a bad lawyer...

Let me remind the Minister about political hypocrisy, (**Mr Speaker:** Order!) when *he* came out in a party political broadcast saying that he was very worried about Gibraltarians having to live in Spain because of the GSD's appalling housing policies. How about that for political hypocrisy? (*Applause*)

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Mr Speaker: Order! Order!

Hon. D A Feetham: Is the hon. Gentleman going to answer the question? (*Interjections*)

1485

Hon. N F Costa: Did he not make that statement in a party political broadcast?

Mr Speaker: Order! Order!

1490

Hon. D A Feetham: If the hon. Gentleman wants to ask the questions, perhaps he might be able to persuade all his colleagues to resign en masse and then come to this side of the House. Otherwise, it is us that

ask the questions; you have to answer them.

Hon. N F Costa: Point of order, Mr Speaker. I am answering the fact that he said I was a bad lawyer –

1495 **Mr Speaker:** Order! Order!

Hon. N F Costa: – the answer I have just given, if I was a bad lawyer, he has a bad memory!

1500 **Mr Speaker:** Order!

Hon. D A Feetham: I am not suggesting... the hon. Gentleman is a good personal friend of mine. Never would I suggest that the hon. Gentleman is a bad lawyer. (*Interjections*) And he knows that. (*Interjections*)

1505 **Mr Speaker:** Order! Order! Would the hon. Members please listen...

Order! In this House *none* of us are lawyers. We are all Members of Parliament, so the accusation ‘good or bad lawyers’ is totally out of order and irrelevant. We are all Members of Parliament. Nobody is a lawyer here and, quite frankly, having listened to this discussion, we are both looking at the same document. I do not think we are going to get much further trying to analyse what the document says.

1510 I think both sides know what the document says. I think the people out there know what the document says and I do not think there is a call for any further interpretation of the *document*. Any further questions, yes, but not on the document, mainly the manifesto.

1515 **Hon. D A Feetham:** Yes, I think the question that was asked by my friend, Mr Reyes, was a question about Government policy in relation to housing, perhaps the Hon. the Minister for Housing, or indeed Mr Costa, if he is so keen to participate in the debate, might be prepared to answer, which is... Is it a commitment of the Government to rehouse anybody within three years? In other words, anybody that is on the list today is going to be rehoused within three years. Is that the commitment?

1520 **Hon. C A Bruzon:** Mr Speaker, in January I think we had a less heated debate, or question and answer session, with the Hon. Edwin Reyes, when he asked me about that and I said that weren’t we splitting hairs here, really?

1525 Let’s face it, the important thing, I suggested then, was that we provide as many houses for our people as is conceivably *possible* and that we have a serious commitment, whether it is three years, whether it is three years and nine months, whether it is four years and three months – and we failed a little bit, because we are three months late. The reality is that we have a *serious commitment* to provide as many houses as possible, and I pray to God there will be more than... that we do it as quickly as possible and as efficiently as possible, whether it is three years, whether it is four years.

1530 Mr Speaker, whatever interpretation we want to suggest, or want to give to the manifesto commitment, the commitment is, on an ongoing basis, to provide as many homes as possible for our people and reduce the housing waiting list as far as we possibly can.

Mr Speaker: The Hon. Edwin Reyes.

1535 **Hon. E J Reyes:** Yes, thank you, Mr Speaker.

I think there are some areas there I would certainly agree, so in that agreement I was just trying to get a confirmation: what was the policy?

1540 I was trying to explain to the Hon. Minister, I took it that anyone who was on the housing list, pre-list or whatever type of list, before 9th December, the commitment was that they would be offered a home within a four-year period. I then added, for the clarification of what the electorate is asking me as well, those who put their names down on a subsequent date, meaning the future – and I used today’s date as an example – is it then not the case and is he still stuck to the commitment that, within a three-year period of putting your name down? Hypothetically, that I become an applicant today, within a three-year period it is his intention to offer me a home as well? That is simply what I was trying to get at.

1545 **Hon. G H Licudi:** Mr Speaker, the commitment is as set out in the manifesto. It is very clear and we

intend to keep to that commitment and every other commitment in the manifesto. (*Applause*)

1550 **Hon. S M Figueras:** Mr Speaker, just for clarification purposes, is that what the commitment is, as my hon. Friend has requested?

Hon. G H Licudi: Well, Mr Speaker, it seems somewhat out of order for me to say, 'the commitment is what it is' and the hon. Member then gets up and says, 'Well, is that what the commitment is?' I have already said that it is and we stand by it.

1555 **Hon. S M Figueras:** Mr Speaker, with respect, I do not agree with the hon. Member. My hon. Friend, Mr Reyes, has asked for a clarification of what the commitment is and he has been unable to give it. That was the simply the reason why I asked.

1560 **Hon. G H Licudi:** There was no inability to provide any clarification. The matter is absolutely crystal clear. It is as set out in our manifesto and we intend to commit to that and everything else.
If he wants me to repeat it 10 times, I will do so, but I can go no further than –

1565 **Mr Speaker:** Please don't. Order.
I think I have allowed sufficient opportunity for this particular information to be obtained. The answers have been provided. It may not be the answer which a particular questioner has sought, but that is the answer and we have to accept that, as far as this question goes.
The Hon. the Deputy Chief Minister.

1570 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I move that this House do now adjourn until half past three today.

Mr Speaker: Will that be convenient to all the hon. Members, adjourn until half past three this afternoon?

1575 **Hon. C A Bruzon:** Sorry, not to me, Mr Speaker.
Could you kindly, with the Deputy Chief Minister's permission, allow me to finish my answer.
Have I actually answered all the questions I had to because I cannot come back at half past three?

1580 **Mr Speaker:** I have drawn a line at that last question.
The way I see it there are still (*Interjections*) three... (*Interjections*) Order! Order!
There are three Questions still... (*Interjections*) Order!

Hon. Deputy Chief Minister: Mr Speaker, we will finish the Questions and then adjourn.

1585 **Mr Speaker:** Question 301, is it?

**Management Companies of co-ownership housing estates
Meetings with Minister for Housing since Q186/2012**

1590 **Clerk:** Question 301, the Hon. E J Reyes.

1595 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state if he has, since his answer to Question No. 186/2012, held meetings with any management companies of co-ownership housing estates in order to address the issue of increasing service charges and/or other concerns?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1600 **Minister for Housing and the Elderly (Hon. C A Bruzon):** No, Mr Speaker, I have not yet met with any management companies of co-ownership housing estates.

1605 **Hon. E J Reyes:** Mr Speaker, if I recall correctly, last month the hon. Member said that the meetings were imminent and then, in the Chamber, in order to help the Minister be better prepared for the meetings, I gave him an example of a letter showing how service charges were being increased, which is the main concern for these residents. Does the Minister expect to hold the meetings quite soon because the talk within these co-ownership housing estates is that it is taking quite a long time to get this matter started?

1610 **Hon. C A Bruzon:** What I am doing, Mr Speaker, is that I am meeting a number of representatives of housing estates – hundreds and hundreds of individuals – who want to see the Minister for Housing, and the reality is that I know that the Chief Minister is interested to be present at this meeting and, therefore – he is not in the House now – but I would suggest that... or if I could ask a rhetorical question... if the Member is speaking on behalf of a particular group, if they were to write to us, I am sure that we could give them a meeting as soon as we possibly can.

1615 **Hon. E J Reyes:** No, Mr Speaker, I am only speaking on behalf of the electorate and not of any particular group – certainly not. I do not pretend for a minute to speak on behalf of the group of the housing estate or the co-ownership housing estate in which I live. I have no such mandate, only a mandate on behalf of the electorate.

1620

Varyl Begg Estate
Estimated completion date for works in communal areas

1625 **Clerk:** Question 302, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing give an estimated completion date for the works currently being undertaken in the communal areas at Varyl Begg Estate?

1630 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, a certificate of practical completion was issued on 27th February 2012.

1635 **Hon. E J Reyes:** Do I take it, then – and I am asking this question with a bit of ignorance – that all the works are now deemed as having been completed?

1640 **Hon. C A Bruzon:** My understanding, Mr Speaker, is that the works started by the previous administration have been completed. Obviously, it is an ongoing process and we intend to continue refurbishing not only this particular estate but all other Government estates.

1645 **Hon. E J Reyes:** Yes, Mr Speaker, what I am trying to get at is that some of the residents of Varyl Begg Estate have expressed a bit of a concern that there seems to be Heras fencing and so on around and they do not quite see much work happening. Now that the better weather is coming along and refurbished play areas and the communal areas... they are a bit concerned that they may not be able to enjoy as much this area with young children because of the ongoing works. So is there a message that the Hon. Minister can send to those tenants of Varyl Begg Estate to assure them of the completion of those works?

1650 **Hon. C A Bruzon:** Yes, Mr Speaker, I am conscious of the concerns expressed by the Varyl Begg Association and I am constantly in touch with them and I have spoken to one individual only a few days ago about it and things will happen.

1655

**Government Rental Estates
Reporting and replacing of fused light bulbs**

Clerk: Question 303, the Hon. E J Reyes.

1660

Hon. E J Reyes: Can the Minister for Housing explain what procedures are in place for the reporting of and replacement of fused light bulbs in all communal areas of Government Rental Estates?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1665

Minister for Housing and the Elderly (Hon. C A Bruzon): For any fused light bulb problems in all the communal areas of Government Rental Estates the standard procedure is to report this to the Ministry for Housing Reporting Office. The work will then be tackled by our contractor engaged for this task.

1670

Hon. E J Reyes: Mr Speaker, when he said to 'report' this, who is meant to do the reporting?

Hon. C A Bruzon: The reporting is made by whoever notices that there is a bulb broken in an estate.

Hon. E J Reyes: So it is upon the tenants of the estate to report this to the Housing Work Agency?

1675

Hon. C A Bruzon: I imagine so. If one of my men are driving through Varyl Begg Estate and they see that there are some lights broken or fused, I imagine that they would report it themselves.

1680

Hon. E J Reyes: Mr Speaker, I understand the hon. Member is trying to be helpful, but it is not a question of 'imagining'. One has to know clearly what the procedure is. I will give him an example of one which was expressed to me.

Since very early in this new year there seems to be a very good, or very substantial, number of fused light bulbs in Mid Harbour Estate, including the stairwell which has to be used when the lift is not working, and people are concerned that one or two, close to three months later, no-one seems to have fixed those light bulbs and the tenants are simply asking... well, you know, the onus is upon whom to report this and who is responsible to ensure that the works are done within a reasonable period of time, and certainly, two months on does not seem to be a reasonable period of time to have to wait for light bulbs to be replaced.

1685

Hon. J J Netto: Could I ask, Mr Speaker, from the moment that a tenant makes a report in the Reporting Office in the City Hall, within the procedures that the reporting staff have, can the Minister judge whether there is a response time between the time reporting the fault and the time of execution of the works? Is that the case?

1690

Hon. C A Bruzon: You have asked if I can judge and then you say, 'is that the case?'

1695

Hon. J J Netto: Sorry? What I am trying to get is, within the resources available within the Reporting Office, will the Minister – or, indeed, management for that matter – be able to print out a printout saying the day on which a tenant reported a bulb which was fused and the actual time that the bulb has been replaced with a new one? Is that resource available?

1700

Hon. C A Bruzon: Yes, Mr Speaker, the computer keeps records of all the reports made to the Reporting Office and I am sure that if a bulb is broken and the report is made, it can appear on a printout if it is printed.

Hon. J J Netto: Given that the resources are available, does the Minister for Housing have a judgement, an idea, what is a reasonable period of time that a tenant should wait for the bulb to be replaced?

1705

Hon. C A Bruzon: Mr Speaker, to be honest with the hon. Gentleman, I have got many, many more serious problems in connection with applicants for housing than worrying about a bulb; but, indeed, I take your point. I certainly do not wish our tenants to walk in the darkness when the sun sets and, therefore, these repairs should be done immediately, basically.

1710 **Hon. J J Netto:** Mr Speaker, I do, of course, realise that the Hon. Minister for Housing has a lot more serious problems, but let me tell him that if there is a particular person – as there is, and I know some people who are partially blind, and if a bulb is fused at night time that could be the cause of an accident – for that particular person that is an important thing.

1715 So whilst, obviously, the Minister for Housing has much more important things to do, the partially blind person is also an important person, who needs that bulb to be replaced. The point I am trying to get at is the Minister and the senior management, indeed, should have a target of accepting when it is reasonable that work should be done – in this case replacing bulbs which are fused – and going beyond that certain time, which is the response time, then the Minister and the management should take action to ensure that the work gets done. Is that the case, Mr Speaker?

1720 **Hon. C A Bruzon:** Mr Speaker, I think I have already answered that, or partly answered that.

The aim should be – and I have just taken over the Housing Department recently – that light bulbs should be replaced ASAP with the maximum possible speed, but I cannot say, ‘I will allow it to be like that for a whole month before I take action.’ No. It has to be done as soon as is conceivably humanly possible for the benefit of all the people that you have mentioned and for everybody.

1725 **Hon. E J Reyes:** Mr Speaker, I am still none the wiser in my original question.

I asked for an explanation of the procedures and I am still none the wiser. When a light bulb is fused, whose responsibility is it? Is it the tenants to report it to a particular Department or are there personnel within the Housing Agency that go and check this out so that these tenants can at least be informed and know what it is that they have to do?

1730 **Hon. C A Bruzon:** Mr Speaker, first of all, let me say that I have not heard of the problem in terms of my staff coming to me to say, ‘Minister, who is responsible for this or for that in terms of light bulbs?’

1735 I do know that... I *imagine*, common sense tells me, that if a tenant spots that all of a sudden his area is dark because a light bulb is fused, then that tenant probably will report it. If that tenant does not, maybe others will or maybe our own people as they drive through the estate. As I said earlier, if they spot it, the likelihood is that they are not going to go driving through there at 11.00 p.m., so it would probably would depend on the tenants letting us know. That is all I can say to him at this point.

1740 **Hon. E J Reyes:** Mr Speaker, would the Hon. Minister assure me that he will undertake... because I am informed by tenants, for example, the one I gave on Mid Harbour Estate, that some time during the month of January they reported fused light bulbs which rendered a certain degree of darkness that made it difficult for them to access their homes at night time, especially if, unfortunately, the lift was out of order and they had to walk up this dark stairwell. They have reported the matter at some stage during the month of January – I do not know the exact date – and in the middle of March the repairs have still not been undertaken.

1745 **Hon. C A Bruzon:** That is wrong and, as far as I can, I will avoid this happening in the future, Mr Speaker.

1750 **Hon. E J Reyes:** I am very grateful for the Minister agreeing that it is wrong and I take his personal assurance that this will be remedied as soon as possible, in some cases as a matter of urgency.

1755 **Mr Speaker:** The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I move that this House now adjourn until half past three.

1760 **Mr Speaker:** Is that convenient to all the hon. Members?
This House will adjourn until 3.30 p.m. this afternoon.

The House adjourned at 12.50 p.m. and resumed its sitting at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 7.00 p.m.

Gibraltar, Friday, 16th March 2012

The Gibraltar Parliament

The Parliament met at 3.30 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

HEALTH AND THE ENVIRONMENT

Western Beach pollution problems Technical explanation

Clerk: Answers to Oral Questions continue.
Question 265/2012, the Hon. S M Figueras.

5 **Hon. S M Figueras:** Mr Speaker, will the Minister with responsibility for the Environment provide details of the technical explanations received as to why previous solutions have not worked to solve the Western Beach problem as reportedly discussed at the Chief Minister's meeting with the La Línea Mayor, Ms Gemma Araujo?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, may I first apologise for my voice. I am suffering from a cold.

I will answer this Question together with Question 266.

15
**Western Beach pollution problems
Discussions with Mayor of La Línea**

20 **Clerk:** Question 266.

25 **Hon. S M Figueras:** Mr Speaker, in light of the meeting held by the Chief Minister with the La Línea Mayor, Gemma Araujo, can the Minister for the Environment confirm whether any agreement has been reached with the said Mayor in respect of progressing towards a solution to the Western Beach pollution issue?

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

30 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the technical solution to this issue is that the illegally polluted discharges from the storm water drain should not discharge into the sea. In order for this to occur, La Línea needs to be able to invest in works to their system.

35 The poor state of the La Línea economy has made an investment of this nature almost impossible, even though the present Mayor would clearly like to be in a position to do so. Government has concluded that, under the circumstances, pursuing a solution with the regional authority, as was the previous administration's preference, will not lead to this.

It has, therefore, decided that it is Spain's central government that needs to be made responsible and pressed for a solution, and an official complaint will be lodged with the EU to this effect.

40 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer. However, he has failed to address the point of what technical solutions have not worked previous to this meeting.

45 **Hon. Dr J E Cortes:** The fact is that the technical solutions would be almost impossible in one respect, in the sense that they are illegal connections to the storm drain and the technical solution would be to cut off those illegal connections.

Also, any works which would have to be carried out to take the effluent from the point at which they enter the sea to a point far enough away where they would not cause contamination would be more costly than it appears the La Línea authorities are able to cost. Those are the solutions, of which one is very difficult because it is a question of illegal connections and, obviously, the costs that that will incur.

50 It is not for me to make excuses for the La Línea authorities; I am just reporting the facts.

55 **Hon. S M Figueras:** Just by way of an aside to this matter, I have been made aware in the last few days of what appears to be some works in the area of that storm drain. I wonder whether the Minister is aware of any action being taken at this time?

Hon. Dr J E Cortes: No, I am not aware and if they have decided to progress any works then, obviously, we would welcome that, but that does not come to us officially. They may be works which are not related to that, even though they are in the area, but certainly I will endeavour to find out as soon as possible.

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

Hon. Chief Minister: Mr Speaker, if I might just, in terms of information... the Government has also been made aware of those works.

65 They do not appear to be of the nature that would suggest that they are designed to deal with the problem, although they may be designed to deal with ancillary problems arising in that storm drain.

Hon. S M Figueras: I am grateful to the Hon. the Chief Minister for his participation in the answer.

I understand that this is a matter that has complicated cross-border – what is the word I am looking for? (*Interjection*) – dimensions to it. Thank you.

70 However, in January, we were told that the matter was being reviewed, that legal advice had been sought and then, in February, that the advice had been received and was being considered and would be considered – and I quote – ‘for a considerable length of time’.

75 Obviously now, in light of this meeting, and the decision that the Government appears to have taken in respect of the matter, would the Minister agree with me that it is now of the highest priority to pursue this complaint with the central government in Madrid, to try and progress the matter before the bathing season is upon us?

Hon. Dr J E Cortes: Yes, Mr Speaker, in 2010 – I was not a member of this Parliament, but I have checked *Hansard* in relation to my preparation for this Question – the then Government was not sure what the source of the pollution was. In 2011, when the issue was raised again by the then Opposition, it had become clear to them that it was pollution proceeding from this drain in the La Línea area, and the Government at the time was of the opinion that it had to proceed with discussion with the regional authority first, and then consider taking legal action.

85 I am aware, from my officials, that certain steps were taken, but they were made aware also that it was unlikely that the regional authorities were going to take any steps, and that is where it was left. When I came into my responsibilities for the environment, we wanted to confirm that those steps with the regional authorities were not going to get us anywhere, hence the discussions with the Mayor of La Línea and that was within two and a half months of our coming into office. Within about a month, we have now got all the documentation, all the data, updated.

90 I have seen the reports today and I am having a meeting with Mr Llamas next week, in order to make the complaint with the EU in the shortest possible time. It is, in fact, imminent.

Hon. S M Figueras: Mr Speaker, I commend the Hon. Minister for the action that is being taken in respect of this matter, which is obviously one of great concern to the community. Is he in a position, however, to say to this House whether he anticipates the problem will be solved in a specific timeframe, or is this simply just out of his hands and the community will be, unfortunately, without resolution in this matter for some time to come?

100 **Hon. Dr J E Cortes:** Yes, I do not want to waste the Parliament’s time in looking for the precise quote, when a similar question was asked a year ago of the then Chief Minister, but it is unlikely that this will be resolved in a very short space of time.

Hon. S M Figueras: I am grateful for...

105

**Barbary apes
Population details**

110 **Clerk:** Question 267, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister with responsibility for the Environment provide this House with details in relation to the ape population in Gibraltar, broken down by births, deaths and location over the last four years?

115 **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 information requested by the hon. Member is contained in the schedule which I now hand to him.

Answer to Question 267

Barbary Macaques Population

Year	Total population at start of year	Deaths	Births	Total Population at end of year	Breakdown of population by location*					Totals (+/- 5 animals)
					Middle Hill	Prince Philip's Arch	Anglian Way	Apes Den	Farringdon	
2008/9	241	56	27	212	54	61	43	38	16	212
2009/10	212	57	27	182	48	57	29	40	9	183
2010/11	182	36	29	175	50	56	24	35	12	177
2011/12	175	13	21	183	46	56	34	41	9	186
2012/2013	183	3								

* It should be noted that there is movement of macaques between locations and that some groups are sub-divided.
(Data provided by GONHS)

120 **Hon. S M Figueras:** I am grateful.

**Barbary apes
Plans for dealing with problems**

125 **Clerk:** Question 268, the Hon. S M Figueras.

130 **Hon. S M Figueras:** Can the Minister for the Environment confirm what plans, if any, have been put in place by his Government, beyond what was already in place on the 8th December 2011, to deal with the issues faced on a daily basis by many members of the community arising from the size, distribution and behaviour of the Barbary ape population?

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

135 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 269.

140 **Barbary apes
Plans for population management and anticipated cost**

Clerk: Question 269.

145 **Hon. S M Figueras:** Can the Minister for the Environment provide details of his Government's policy for the management of the Barbary ape population in Gibraltar, as well as further details of costs of the measures anticipated?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no new systems have yet been introduced since December 2011, although contracted staff continue to attend when called. However, complaints in the past three months have been few.

The Government's policy for the future management of the Barbary Macaques is based on the Barbary

155 Macaque Management Plan, which was presented to the then Chief Minister in the autumn of 2009, but which was never agreed nor implemented by the then Government.

This plan was prepared by representatives of the Gibraltar Veterinary Clinic, the Gibraltar Ornithological and Natural History Society, and the Department of the Environment, with the involvement of the Gibraltar Tourist Board.

160 The plan will be updated and re-costed, following consultation with the team that prepared the plan and with Prof. Agustín Fuentes of Notre Dame University, Indiana, who is a world expert on Macaques and has worked in Gibraltar.

165 Prof. Fuentes is currently in the field in the Far East and will visit Gibraltar shortly. Once the plan has been updated, it will be made public. However, I can say that the main components will be improving the sites on the Upper Rock, increasing on-site supervision, observation and data collection, contraception and, as far as possible, exportation.

170 **Hon. S M Figueras:** In the context of the exportation of the apes, is the Minister able to confirm whether there are any willing entities which have been identified to receive any of the Barbary apes?

Hon. Dr J E Cortes: Yes, Mr Speaker, in fact, there was an entity which, for possible commercial reasons, I will not name, but I am happy to give the information to the hon. Member outside this House.

175 There were approaches from one entity in the United Kingdom, which did not come to fruition, and we have re-engaged with them to see whether there are possibilities and the possibility of sending Macaques back to North Africa. Tunisia, possibly, now that the political situation there has changed, and Morocco, certainly, are still being considered and contacts are once again being made, with a view to the possibility of sending some of our surplus animals to North Africa.

180 **Hon. S M Figueras:** Mr Speaker, is the Hon. Minister able to commit to a period of time during which this may occur?

185 **Hon. Dr J E Cortes:** No, Mr Speaker, at this stage, I am not. It is a complex issue. Particularly in North Africa, there are many different levels of authorities there that have to be engaged, and at this point in time, it is too early. But I will share that information with this House as soon as anything is certain, because I think it is something which is in the interest of the whole community.

Hon. S M Figueras: Has the Hon. Minister managed to overcome the issues that the previous administration was facing in respect of the exportation – the practical aspects of the exportation of the apes?

190 **Hon. Dr J E Cortes:** This is a problem that I have personally been dealing with through several administrations, and the problems are not yet overcome.

195 The problems are several. I have no problem with sharing them with the House. One is the inability, or difficulty, of getting them through the land frontier, and the other is the fact that none of the airlines currently servicing Gibraltar will take animals on their flights. Therefore, one has to resort to either transport by sea, which could be very long and not satisfactory for animals in boxes, or chartering of aircraft, which are issues which obviously increase the cost of any such exportation.

In the discussions with the UK entity, it would be hoped that, perhaps, there could be co-funding. In the question of North Africa we have not got that far yet.

200 **Hon. S M Figueras:** Is the Minister confident, then, that the issues arising from the practical exportation of the apes are ones that will be overcome in due time?

205 **Hon. Dr J E Cortes:** Yes, inasmuch as when the present Minister was working in a non-governmental organisation, even though for a long time there was a lot of goodwill from the Government at the time, I was not personally in a position to move certain things that I hope, as a Minister, and with the backing of my colleagues in the Cabinet, I will be able to make some inroads. But, obviously, the proof of the pudding, as the saying goes, will be in the eating.

Hon. S M Figueras: Is the Minister able to confirm to this House whether or not – and I understand you

210 are in the early stages of discussing the matter with the UK entity in question – they are interested in sufficiently large numbers of the population, as would make a significant impact on the local population?

Hon. Dr J E Cortes: Yes, they are.

215 The discussions, as far as I was involved with the previous administration, although mainly with the Hon. Mr Britto – who is not here in this Chamber any longer and is now lucky enough to have time to be on the stage, which is something I will not be doing for a while, I suspect – the intention was that they would take one group, initially, of up to 30 animals, followed by a second group of up to 30 animals and, quite frankly, if we were able to export two groups like that, the situation would be back to a very manageable level. So it would be useful if we could pull it off.

220

Hon. S M Figueras: Mr Speaker, I suspect that this House will be as close as we both get to the stage for some time to come!

I am grateful to the Minister for his answer.

225 In relation to the numbers, is the Government committed to a specific number in relation to the management of the population?

Hon. Dr J E Cortes: Mr Speaker, numbers will not necessarily solve the problem. The aim of successive Governments, ever since Prof. Bob Martin, then of Zurich University, now of Chicago Field Museum, carried out his survey some years ago, I forget the exact year, the recommendation was that 180 should be the maximum number and the number at the moment is about – give or take – five animals per group. It is not possible to be exact, you are always going to miss some, and I am referring to the schedule from the previous question – the number is now down to about 186.

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235 But it is not just numbers, as such, because if you have one group of 30 animals, which are stable and they are on the Upper Rock, then that is not going to be a problem. You could have a smaller group of 10 or 15 animals that decide to roam, and then you are going to get a problem. So it is not just the absolute numbers, but the composition and their behaviour. Although the numbers are approximately what the scientists say we should have, the question is now where those numbers are and that is where the management issues come in.

Hon. S M Figueras: Mr Speaker, perhaps you will indulge me just one question which may perhaps include an element of speculation and the Minister will decide whether or not he chooses to answer it.

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If for any reason, practical, economical, or otherwise, the Government were unable to move on the process of exporting up to, say, 60 Barbary Macaques, how would the Government propose to deal with the population, as it grows, in the light of their stated position on culling?

Hon. Dr J E Cortes: I think there was an argument about speculation earlier on in this session. I am not going to accept failure at this stage.

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All I can do is confirm that we can control movements, we can control the problem of where the animals go to, without culling, and that would be our aim, if we could not export.

250 Controlling the way they – ‘control’ is a very strong word, you cannot really control a wild animal, but manage in such a way that the likelihood of them coming into contact with areas of human habitation would be reduced. We are not contemplating culling.

Hon. S M Figueras: Mr Speaker, the only reason why I asked the question is because, if their likeness on warning signs all over the Upper Rock is to be believed, the Barbary macaque is a dangerous wild animal and there have been stated instances of attacks on the human population which, of course, have been discussed in this House in previous sessions.

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260 It is a concern, certainly from this side of the House – and I fully believe that it is shared across the floor – that incidents of that nature should be, as far as possible, a thing of the past and it is this side of the House’s position that the policy of not culling at all, no matter what, may lead us to a situation where it is not manageable. Hence the question, but I do completely concede that it involves speculation.

Hon. Dr J E Cortes: I have no problem in commenting on that. It is not the numbers, it is what the animals are doing, it is where they are, it is the interaction, it is the way people interact with them. It is normally people who cause the bites, not the animals. So what we have to control is the man-Barbary

265 macaque interface and the management plans that we are going to be introducing will tackle that, regardless of the numbers.

You can have one group of 20 monkeys and, if they are treated in the wrong way and they are in the wrong place, they are going to bite. I can say that there is scientific research, which I do not have here – I could, if I had had notice – which indicates that the percentage of bites in Gibraltar is the lowest of that in any population where monkeys and humans come together. That research, in fact, has been carried out by Prof. Fuentes, who will shortly be here on his way back from the Far East to advise us further.

270 **Hon. S M Figueras:** The plans for management, which the Hon. Minister has just referred to, is there a timescale on that?

275 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are starting our consultation process on the question of the Upper Rock management within the next two weeks and the question of the Barbary Macaques will be considered in tandem with the rest of the Upper Rock, so I think we would be able to have something in place within the next, maybe, three or four months. I am not going to be held to that timescale, but that is the timescale that I would like to see and the way I see it, as it is developing at the moment.

Hon. S M Figueras: Mr Speaker, is the Minister able to enlighten this House, as to the kind of cost that the Government is contemplating is almost the ceiling in this matter?

280 The Hon. the Chief Minister did refer in a question in a session in 2009 to the fact that the then administration needed to take stock and invest a significant amount of money in this particular issue. Has the Minister or the Government taken a moment to consider where the ceiling might be in relation to those costs?

285 **Hon. Dr J E Cortes:** Yes, I have an idea of the cost, but because it depends on which final model of management we follow and because I still think we could benefit from our external adviser, I do not feel I am in a position to offer any actual figure at this stage but, as soon as we have an idea, then, obviously I would be able to do so. I do not think it would be correct for me... It is too early a stage now to be able to commit myself to figures.

290 **Hon. S M Figueras:** If Mr Speaker will indulge me with one more supplementary on the matter – the Hon. the Chief Minister in this very House, some years ago, referred to having not been gutless for a long time and therefore not an avid beachgoer...

295 I am not gutless and have not been for as long as I can recall and if my gut ever had that loud a say in my life, I would scarcely leave the house. That said, I am an avid beachgoer and I am interested whether the Minister can enlighten us as to whether the complaints received, although low in number, have been in respect of the Catalan Bay area at all? (*Interjection*)

300 **Hon. Dr J E Cortes:** Mr Speaker, it has been mooted, in fact only this morning to me, that the Barbary Macaques might well be members of the Gibraltar Socialist Labour Party because, since the Election, there have been remarkably few complaints.

305 I have seen them myself in the area of the Caleta Hotel and I have seen them myself in the Trafalgar cemetery area, but I have not had any direct complaints, bar possibly two.

310 Mr Feetham will be amused that they came to me via Facebook, (*Laughter*) of Barbary Macaques in built-up areas, but I would like to credit the people who manage them who, perhaps being former colleagues of mine, they are putting in an extra bit of work, or perhaps the Macaques are Party members, if not of the GSLP, maybe of the Liberals. (*Interjections and laughter*) I thought I would throw that in. But the complaints are certainly much lower than they have been.

315 **Hon. S M Figueras:** And just to bring the tone of the conversation right back to the seriousness with which, obviously, we consider the matter, is the Government content to stand by its policy not to cull, if that means the possibility of facing fatalities or injuries in future?

Hon. Dr J E Cortes: Mr Speaker, the Government is content to stand by its policy of not culling, because we are not going to have a problem, once we have put in the proper management structures, which have not ever existed in Gibraltar.

320 **Hon. S M Figueras:** As long as that is a guarantee with somewhat more strength than the Future Job Strategy, thank you and I am very grateful. *(Laughter)*

Hon. E J Reyes: May I, Mr Speaker –

325 **Mr Speaker:** Yes, the Hon. Edwin Reyes.

Hon. E J Reyes: The Hon. Minister, in his answer to Question 269, referred us back to the schedule he offered on 267.

330 When it says here ‘Year’ and it says, for example, 2011-12, and then 2012-13, are we talking about financial years or when does a year – is it 1st April like a financial year, or when would the year come in? I am a bit confused.

Hon. Dr J E Cortes: Yes, I think by looking up the last entry, the thing is that the young of the year are added to the total on 1st January.

335 Because they are born round about October and there are some deaths, we do not add – the contractors used to be me, but it isn’t me any longer – the contractors do not add – the numbers until, for example, 1st January, so in the case, for example... Let us look at the first one: we are talking about 2008, although the actual figures, when you tally up, would be on 1st January 2009, so the births were in 2008, but the number is added in 2009, so look at the first figure, rather than the last figure.

340 **Hon. D J Bossino:** Can the Minister advise this House whether he is aware of what the nature of the complaints are? He has stated that there are few, but does he know what the nature of the complaints are?

345 **Hon. Dr J E Cortes:** They were not complaints as such, other than being advised that there were Macaques in built-up areas and people are often scared of them, but I have not... I cannot recall anything specific that has happened in the past of them getting into people’s houses.

I am not saying it has not happened, I am just saying that I have not been aware of any such complaints, but that does not mean it could not happen tomorrow or as I speak. Remember, we have not implemented the programme yet.

350 **Clerk:** Question 2...

Mr Speaker: Hon. Damon Bossino.

355 **Hon. D J Bossino:** Thank you, Mr Speaker. Which authority would normally be the authority that would be in receipt of those complaints? Can the Minister advise me what the position is?

360 **Hon. Dr J E Cortes:** There have, in the past, as part of the management programme – we would like to streamline that – but in the past, phone calls could come in to the Royal Gibraltar Police, to officials of the Department of the Environment, to members of the macaque team of the Natural History Society, including myself personally, so there is a wide range of different sources of complaints, which would then all be channelled to the Department of the Environment. Those are the main sources.

We would like to have something like a hot line or something like that, but that would be part of the plan.

365 **Hon. D J Bossino:** The important issue I wanted to address from my question was that it would be channelled to your... to the Minister’s Department?

Hon. Dr J E Cortes: Yes, indeed.

370 **Hon. D J Bossino:** If it has, then I am satisfied with that answer.

Hon. D A Feetham: There has been no-one referred to hospital, because of any incidents with Macaques? I do recall a letter from Ray Pilley, referring to a girl who had been badly injured as a consequence. There have been no incidents of that nature, has there?

375 **Hon. Dr J E Cortes:** There may have been people who are bitten, who will normally go to the hospital and they keep a register. If any of the hon. Members wish to ask me, for a future occasion, how many bites there have been, but I do not have that information. (*Interjection*)

I am told that was before the Election, so obviously –

380 **Hon. D J Bossino:** What was? The incident? (*Interjections*)

Hon. Dr J E Cortes: No. Nonetheless important. (*Interjections*)

385 **Hon. S M Figueras:** [*Inaudible*] ...Mr Speaker the management of the apes today. This is what we are discussing. [*Inaudible*] This is precisely why it is very important to have this discussion in this House.

Clerk: Question 2 –

390 **Hon. G H Licudi:** Just to dispel any notion or any misunderstanding, my recollection of the letter that the Hon. Mr Feetham has referred to was, in fact, in relation to a fictitious incident that he created simply to illustrate a particular point, but it was entirely fictitious.

395 **Hon. D J Bossino:** Mr Speaker, if I could assist the House and concur with what the Hon. the Minister is saying, I think that was just an introductory paragraph in Mr Pilley's letter, in order to create alarm, initially, and therefore create, I suspect – I have not spoken to the author – but to create the interest in what he was saying. I would agree with that.

So I am not sure he was referring to any specific incident, whether before or after the new dawn arrived.

400

**Seagull population
Management and control policy**

405 **Clerk:** Question 270, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, the Minister need not wince; I am not armed with a barrage of supplementaries on this one! (*Laughter*)

410 Can the Minister with responsibility for the Environment confirm the Government's policy in relation to the management and control of the seagull population?

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

415 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Hon. Mr Figueras can ask me as many supplementaries as he likes, but if my voice runs out before the Hon. Mrs Ellul has a chance to ask me any questions, then I might have to get somebody else to read my answers!

Mr Speaker, the existing year-round culling programme will continue with enhanced resources currently under discussion with the service providers.

420 Government inherited a four-year programme from the previous administration which is run by the UK's Food and Environment Research Agency (FERA). This is the last year in this programme, which has now been considerably streamlined and will factor in an element of handing over and training to the local operation, which will take over in full.

New technologies, which have proved very successful elsewhere, will also be introduced this year. The Government is committed for the long-term control and reduction of the gull population.

425 **Hon. S M Figueras:** Mr Speaker, is the Minister able to enlighten us in respect of the identity of the local operators who will be taking this matter on?

Hon. Dr J E Cortes: Yes, the local operators who have been operating the Gull Control Unit for the last 15 years are the Gibraltar Ornithological and Natural History Society (GONHS).

430 **Hon. S M Figueras:** In respect to the cost, which has obviously been in the questioning, is the Minister able to assist us in respect of the anticipated cost moving forward of this operation versus perhaps what has gone before?

435 **Hon. Dr J E Cortes:** I would have had to have notice to give you details of cost. I can pass them over to you outside the meeting if you like, but I do not have that information here.

Hon. D A Feetham: Yes, if he wants notice of the question, we will ask it in a month's time. It really is not contentious in any way.

440 But I have noticed in my walks in the Upper Rock that there appear to be a very large number of feral cats. I wonder what the Government proposes to do about feral cats (*Laughter*) and whether he thinks there is an impact, or a potential impact, on wildlife.

445 I think also that he and I have spoken in the past about the resident population of goats: what is the Government to do about the goats, because he knows that we have spoken, as well, in the past about the possible re-introduction of the Iberian ibex, (*Laughter*) which is not possible, unless something is done about the herd of domestic goats that are running wild in the Upper Rock.

Mr Speaker: I am not sure there is a connection between feral cats and goats and seagulls, but if the Minister wishes to – (*Interjections*)

450 **Hon. Dr J E Cortes:** Mr Speaker, if I fall into the temptation of giving a lecture on the wildlife of the Upper Rock, (*Laughter*) then we might be here for several days, let alone...!

I am happy to answer specific questions in future, but opening a discussion on those subjects, (**Mr Speaker:** Yes.) I think is...

455 But we can talk about it outside – the second person today who has offered your – (*Interjection*)

Clerk: Question –

Mr Speaker: The Hon. Mrs –

460 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, can the Minister explain how is GONHS going to be taking over the service that was introduced by the UK? What measures will be taken – any new ones?

465 **Hon. Dr J E Cortes:** Right, yes, there will be a considerable amount of training which, for the first time, has been organised by the people from FERA, the Food and Environment Research Agency, with the Control Unit here, with a view to, depending on the success, expanding the size of the Unit.

470 The question of new technologies, we will be trying and GONHS will be trained in this new technology, which is the use of lasers to disrupt gulls at their breeding colonies, which means they will abandon the nests. Then there will not be the number of young, which is obviously a problem, and eventually, if this is successful – it has been tried in the UK but never outside the UK, perhaps in the United States – then it may be possible to reduce the population of gulls without resorting to killing them directly, which would be the ideal situation.

475 **Dementia and Alzheimer patients
Policy re care provision**

Clerk: Question 271, the Hon. Mrs I M Ellul-Hammond.

480 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what the policy, in conjunction with the Care Agency is 'to further and adequately increase the overall provision for Dementia and Alzheimer patients' as outlined in their press release number 32 of 17th January 2012?

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

485 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Ministers with responsibility for Health, Social Services and the Care Agency have commissioned a multi-agency team, which will work in regular consultation with relevant non-governmental organisations and which will report by the end of the summer on a strategy to address the core needs of those with dementia.

490 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain if he has plans to boost the community health service and domiciliary care?

495 **Hon. Dr J E Cortes:** Mr Speaker, it is highly likely that the conclusions of this group, this multi-agency team – as I have declared in conversations and possibly even publicly – will be that the community will be well-benefited by increasing health care in the community, including domiciliary care.

I do not want to pre-empt the results, but I think it is very clear to those of us – both the Minister for Equality and Social Services and myself have discussed it at length – that it will, most likely, be necessary for us to take considerable steps in the community.

500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister aware that the domiciliary care funding increased by about 400% over the last five years to £750,000? By how much does he envisage, or would like to see, the domiciliary care budget increase this year?

505 **Hon. Dr J E Cortes:** Mr Speaker, domiciliary care is handled by another ministry. I do not have insight – although we discuss regularly – obviously, I do not have insight into the proposed budgets and so on. I cannot answer that. All I can say is that we hope to be able to expand it, but I cannot go into figures at that stage. I do not have that information.

510

**King George V Hospital
Breakdown of expenditure**

515 **Clerk:** Question 272, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how the £70,000 has been spent at the KGV Hospital, broken down by painting of the building, erection and hire of scaffolding and purchase of new equipment and furniture for the KGV?

520 **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 spend to date, as committed expenditure for the renovation programme at the KGV Hospital, is as follows:

525 Painting external building, £2,765 spent, £8,000 committed; internal paintwork, £1,000 committed; scaffolding, £7,800 spent; external plumbing, £500 spent, £1,500 committed; refurbishment of male and female toilets, £13,145 spent; ceiling tile renewal, £2,820.38 spent; ironmongery, £3,380 spent; general building materials, £2,405.09 spent; new suspended ceiling in the dining area of the long-stay ward, £1,500 committed; new treatment room, £1,600 spent; new isolation room, £2,340 spent; furniture, £4,069 spent.

530 The following are committed, subject to final receipt of all the estimates that have been requested. These are the last few things that are going to be done, and that is: curtain rails, £7,000 committed, subject to quotes; privacy wall-mounted partitions, £7,000; main entrance flooring, £2,000; new signage, £1,000; repairs to windows, £2,000; renewal of entrance ramp, £3,000.

Total spent to date: £40,824.47; committed expenditure, £34,000. Total expected expense on the project: £74,824.47.

535 I would like to take this opportunity to congratulate the team in the Health Authority for their exemplary work in having all this work done to schedule. *(Applause)*

Hon. Mrs I M Ellul-Hammond: Mr Speaker, I am grateful for that information. Could the Minister extend a copy of that schedule to the Members opposite?

540

Hon. Dr J E Cortes: Certainly.

Hon. Mrs I M Ellul-Hammond: Thank you.

ANSWER

THE HON THE MINISTER FOR HEALTH AND THE ENVIRONMENT

Mr Speaker,

The spend to date and committed expenditure for the renovation programme at the KGV Hospital is as follows:

Works	Spend to date	Committed Expenditure
Painting external Building	£2,765.00	£8,000.00
Internal paintwork		£1,000.00
Erection of Scaffold	£7,800.00	
External Plumbing renewal	£500.00	£1,500.00
Refurbishment of Male and Female Toilets	£13,145.00	
Ceiling Tile renewal	£2,820.38	
Ironmongery improvements	£3,380.00	
General building materials	£2,405.09	
New suspended ceiling Dining Area Long Stay Ward		£1,500.00
New treatment Room	£1,600.00	
New Isolation Room	£2,340.00	
Furniture	£4,069.00	
Curtain Rails Anti-ligature		£7,000.00*
Privacy wall mounted partitions		£7,000.00*
Main entrance flooring		£2,000.00*
New signage		£1,000.00*
Repairs to all windows		£2,000.00*
Renewal of entrance ramp asphalt		£3,000.00*
	£40,824.47	£34,000.00

The committed expenditure marked with an asterisk has been calculated on approximate costs as the quotes requested have still not been received.

545

**Royal Naval Hospital site
Explanation of plans**

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Clerk: Question 273, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what changes will be made to the former Royal Naval Hospital site and to the plans for the internal buildings of the new mental health hospital and of the new Alzheimer and Dementia hospital?

555

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 this is something in which my colleague, the Hon. Minister for Equality and Social Services, and I are working together, with your permission, we will answer this Question in two parts. (**Mr Speaker:** Yes.) My colleague will start on her side of the project, and I will continue on mine.

Mr Speaker: Certainly.

565 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, with regard to the Alzheimer and Dementia Unit, as I have said in previous sessions of Parliament, a review of the initial proposed 80-bed facility for the site of the Royal Naval Hospital was commenced very shortly after this Government began in office. It was very evident that the facility fell short of UK minimum standards, even taking into account the conversion of existing buildings into this type of facility.

570 I can at this stage say that the number of beds will be reduced to incorporate communal facilities to allow residents accommodation in the facility to have quality of life. The final layout of the interior has not yet been finalised, as we are awaiting input from experts.

Hon. Dr J E Cortes: Mr Speaker, I will now continue on my half. I have a little bit more because we have been able to proceed further on the mental health.

575 Regarding the Mental Health facility, the plans were incomplete and had not been approved by the professionals. The professional team has now reviewed all aspects and I was pleased to be able to sign off proper plans last month.

580 The area designated for Mental Health will be divided into three main zones: first is the Activity and Rehabilitation Centre zone, which will include a small garden area attached to the back of block D, the area will consist of activity for daily living, kitchen, assessment room, arts and crafts room, IT facilities room, bookable rooms for conducting groups, sitting room, quiet area and dining room.

585 Second, the Psychiatric Unit zone on the lower ground floor will consist of main entrance, reception security area, visitors' facilities, consisting of a visitation area, cafeteria offering sheltered employment facilities and seating area, multi-disciplinary team room, resource room, medical records storage room, clinical nurse manager's office, pharmacy department, disabled toilet facilities, technical services workshop, staff facilities, outpatient department, workshops, general stores, medical equipment stores, domestic equipment store and boiler room.

590 The upper ground floor, which will be for enduring mental health illness (EMI) and a Dementia unit, will consist of seven twin rooms with 14 beds... clearly, dining area, lounge/TV area, quiet rooms, male and female assisted bathrooms, male and female toilet and shower rooms, staff office, staff base, multi-disciplinary team room, clinic room, utilities sluice room, clean linen store, staff WC, food preparation room, dishwasher room, ward kitchenette and covered terrace.

595 On the first floor will be the Rehab Unit and the rehab apartments divided into two sections by a lobby. The first section with four twin-bedrooms, four single bedrooms, one high dependency bedroom with 13 beds, lounge/TV area, quiet room, assisted bathroom, male and female toilet and shower room, staff office, staff base, clinic room, utilities sluice room, clean linen store, staff toilet, ward kitchenette and covered terrace, including a dining area.

600 The second section of this floor will have the Psychiatric Intensive Care Unit, which will consist of three single rooms and en suite facilities, a staff base, two high dependency rooms, dining area, lounge/TV area, covered terrace area and also a self-contained multi-functional suite, composed of two single rooms, dining area, lounge/TV area, toilet and shower facilities.

605 And, finally, the external recreational area, which is still in the process of being designed; however, it will be a secure area divided into two sections, in order to be able to offer a safe environment to the various client groups. It will contain sheltered areas, a splash pool, an aviary, a one-on-one basketball court, exterior exercise equipment, group seating, picnic chair and table facilities.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker. Could we possibly have a copy of that. (**Hon. Dr J E Cortes:** Certainly.)

610 Could the Minister advise what additional costs these changes will incur?

Hon. Dr J E Cortes: Mr Speaker, I have not got that information with me now. Again, I would need notice of that in order to be able to give you the specific details.

615 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise what is different to the original plans that were there?

Hon. Dr J E Cortes: There were no plans that had been approved. They were working plans. They had not been finalised by the professionals. The main difference is that the rooms will, in fact, be bigger than had originally been planned.

620

Hon. D A Feetham: Can he confirm whether there are going to be any additional costs because, of course, it is quite possible that you may actually change around internal layouts from what was originally envisaged, but there be no additional costs? Does he know whether there are going to be additional costs, without actually telling this House what that additional cost is?

625

Hon. Dr J E Cortes: The original costs have not ever been communicated to me, so I am not able to compare one with the other. So I am not able to answer that question. The original estimates cannot have been very accurate because the plans had not been finalised.

630

Hon. D A Feetham: Well, that does not necessarily follow, but we will ask the question again in the future.

But what about the hon. Lady, can she tell us whether the change of plans that she envisages in relation to the areas that are within her responsibility will involve an increase in cost; and can she inform the House as to what those costs are?

635

Hon. Miss S J Sacramento: Mr Speaker, I cannot inform the House as to the costs because the plans have not yet been finalised.

What I would speculate is that some cost would be incurred but, in proportionate terms, Mr Speaker, it would be desirable to incur some cost and have a better finished product than incur the tremendous cost that will be incurred, in any event, ending up with a product that will not be fit for purpose. At this stage, I am not able to provide any figures on costs because we do not have the plans, therefore we cannot calculate from there.

640

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the hon. Lady advise who the proper consultants are who they have engaged in relation to advice on the Alzheimer's and Dementia Unit?

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Hon. Miss S J Sacramento: Mr Speaker, I do not have the name of the consultant. It is people in the Department who are liaising with this consultant. I know that they are people who were recommended to us by the local Alzheimer and Dementia Society, who gave us some contact details for the UK Association and they recommended us with some names. I am not sure who, from the list of names has been selected, but I am happy for the question to be asked on the next occasion.

650

If I were to have notice of the question, Mr Speaker, I would be happy to answer it.

Hon. J J Netto: Mr Speaker, can I ask the hon. Lady, the Minister for Social Services... because she said that, in the new plans for the Dementia and Alzheimer Hospital the number of beds will come down from 80, but what she did not say was to what number will the new plans cater for. Does she have that figure available?

655

Hon. Miss S J Sacramento: No, Mr Speaker, that is because I do not know because I am waiting for the final plans to be confirmed by the specialists in the UK.

660

What we have identified, as I explained, Mr Speaker, in the last session of Parliament, was that initially the plan was for a 66-bed unit. That was changed four times, eventually going up to a 90 something bed unit and then going back down to 80, which was the sort of structure that I saw when I went to visit the unit in my second day in office and which I was told by the local people that would not be fit of purpose. I gave plenty of detail as to that on the last occasion and, in fact, I have asked for the costs of the consequences of having changed the plans four times by the previous administration and I am actually waiting for those figures.

665

But the answer is that there is no final plan for the interior yet because we are waiting for the feedback.

Hon. J J Netto: Mr Speaker, I can accept that there are no final plans, in terms of final plans being the exact minutiae of details of work that needs to be done, but the hon. Lady does not need final plans in a construction project to be able to tell us, and for her to know now, what the number of beds would be.

670

The hon. Lady says, for instance, that the previous Government changed its mind four times: she should

675 be congratulating the GSD Government for only changing its mind four times (*Laughter*) because, if the hon. Lady knew anything about the construction industry, she would know that, with any particular construction project, the Government normally changes it mind many times, architects change their minds many times, engineers change their mind many times and the actual contractor involved in the works changes his mind. So it is a matter of record that we only changed four times.

680 Leaving that aside, it is not credible for the hon. Lady to stand up saying that she needs final plans to know what the final numbers of beds is because we knew, in the four times that she was mentioning, the number of beds that were going to be available with our final plans – that is the reality of the construction industry.

So will the hon. Lady not try and get the information as to what will be the final number of beds, regardless of having final plans?

685 **Hon. Miss S J Sacramento:** Mr Speaker, once I have the cost to the taxpayer of those four changes, then people can decide whether to congratulate the previous administration for those changes. (*Laughter*) I suspect not, because I suspect, given the information... (*Interjection*) Well, given the information that I have, Mr Speaker, the reasons for changing the plans was motivated by increasing the number of beds, having no regard to the needs of the patients.

690 Mr Speaker, what we have done, in principle, is revert to the initial plans that the architects prepared for the previous administration, which was for a 66-bed unit. What we are waiting for is for the experts to tell us whether the layout is acceptable or not, because it may be very well, Mr Speaker, for us to have a room where we want to fit a bed but then, if the hoist or the armchair or the wardrobe do not fit into the room, then the plans cannot be finalised. I therefore cannot say whether I can have one room with one bed or it may be better to have a bigger room with two beds, in which case there is a difference in the number of rooms and, ultimately, there will be a difference in the number of beds available.

695 The answer, Mr Speaker, is that until we have the final professional advice, I cannot answer the question. All I can say is that, at the moment, we have reverted to the initial 66-bed plan.

700 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain their idea behind developing extra buildings to serve as sheltered accommodation for patients with long-term mental illness? Will this also be done in conjunction with the plans for the new mental health hospital?

Hon. Dr J E Cortes: Are you referring to something specifically in what –

705 **Hon. Mrs I M Ellul-Hammond:** In the... No, no, sorry. In your manifesto commitment as part of the new mental health facility.

Hon. Dr J E Cortes: Can you refer me exactly to... I am sure I know –

710 **Hon. Mrs I M Ellul-Hammond:** It says:

‘Extra buildings to serve as sheltered accommodation for patients with long-term mental illness...’

715 on page 29, the second to last sentence. Sorry, no.

‘We are committed to the completion of a new KGV facility and will also develop extra buildings to serve as sheltered accommodation for patients with long-term mental illness in a position to look after themselves.’

720 **Hon. Dr J E Cortes:** There are additional buildings on that site, but whether that will fulfil all the requirements of the community, we are hoping that the exercise that I have heard referred to earlier on another question as we develop the Dementia strategy, then we will identify what those requirements will be. They could be somewhere else.

725

**Consultants' contract
Update on progress**

730

Clerk: Question 274, the Hon. Mrs I M Ellul-Hammond.

735

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health state at what stage he is at in relation to the Consultants' contract and when does he envisage it will be finalised and signed as per their manifesto commitment 'to resolve the issue of the Consultants' contracts in the shortest time possible'?

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

740

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the consultants' contract was first drafted in 2004 and, by December 2011, had arrived at version 19B. The GHA has now updated the draft and will very soon be in active negotiations with its consultant doctors. The consultants have been kept aware of the situation through regular meetings.

745

Hon. Mrs I M Ellul-Hammond: I am obliged for that, Mr Speaker.
Can the Minister explain if the starting point at resolving the consultants' contract impasse is draft contract 19B?

750

Hon. Dr J E Cortes: No, that was the finishing point of the last administration. Ours is the new contract draft 1, which incorporates some of the things that were being negotiated at the time, together with other issues which we feel would be to our mutual benefit but, obviously, before the start of negotiation, I am not going to be able to reveal those publicly.

755

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain if he we will be considering including a recruitment and retainment allowance within the contract?

760

Hon. Dr J E Cortes: I do not feel that I should go specifically into items of a contract just before we are going to negotiate them with a consultant body. I do not think it would be in our interest, or in the interest of the consultants, that we should start discussing this in public.

765

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker, but perhaps the Minister could, in general terms, give an indication of what aspects of the contract will be standardised across all the consultants and which ones will be variable, if possible?

770

Hon. Dr J E Cortes: Different consultants will have different disciplines in which they will work. Some of them will have a number of consultants in the same field and some of them may have rarely one, possibly two consultants. So, obviously, when it comes to cover, and so on, there may be different conditions, but I do not want to be drawn into giving away a negotiating position because, as I said before, I do not think this would be fair on the process, as it is in everybody's interest that the consultants should have a contract which is acceptable to them and acceptable to the Government so they can stop worrying about that and get on with doing the work that we want them to do for the community.

775

Hon. Mrs I M Ellul-Hammond: I am grateful for that.
One final supplementary question, Mr Speaker. Did you state when you envisaged the contract would be finalised and if the process has already started in earnest?

780

Hon. Dr J E Cortes: The draft contract is now ready and we hope to be starting negotiation within a number of weeks only.

**Hospital meals
Update on improvements**

785

Clerk: Question 275, the Hon. Mrs I M Ellul-Hammond.

790

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the new arrangements for hospital meals will be, as per their manifesto commitment to 'make alternative arrangements to improve the delivery of meals and consequently their quality'?

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

795

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, a proposal presented by the catering department to revert to bulk meals service at St Bernard's Hospital has been approved and initial discussions have taken place in order to phase in this service. This has already been introduced as a highly successful trial at the newly opened Calpe Ward.

800

A feasibility study to relocate the catering facility to St Bernard's Hospital has also been commissioned and is progressing well. This project will encompass the introduction of bulk food distribution.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain why there was a problem with the provision of meals in St Bernard's Hospital?

805

Hon. Dr J E Cortes: Yes, at this point I would like to congratulate the catering staff of St Bernard's Hospital. They have always been very concerned that hospital meals have not had a good name, despite their excellent professionalism. They have a catering manager who is extremely highly qualified and extremely competent and a very dedicated staff, but the method by which the food was delivered to the wards meant that all their efforts could well be spoilt in the process. The problem is with the plating system, in that the food is prepared in the kitchen and is then put onto plates and put into trolleys and then carried by van in two stages to St Bernard's Hospital and then, from there, wheeled into the wards. So, by the end of the process, the food was no longer as fresh as it had been when prepared and, therefore, that was a problem.

810

By bulk food, we are referring to the way in which the food is prepared in larger containers and then served at the point of consumption. Therefore, the quality of the food, which is very high, will actually be high on point of delivery whereas, in the process at this point in time, it does lose because of the system that is in operation.

815

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain, then, where the kitchens will be sited within the Hospital and what will be happening to the existing catering facility on the North Mole?

820

Hon. Dr J E Cortes: Mr Speaker, we are carrying out an exercise at the moment with a team of the Health Authority and the support of Technical Services. A number of alternative locations within the Hospital are being considered. I am not able now to say exactly where. It will not affect any of the existing facilities, in the sense that we are not moving anybody *out* to move a kitchen *in*. There is spare room available in and adjacent to the building.

825

As to what would happen at the North Mole, I am not in a position to say that because, frankly, I do not know.

830

Hon. D J Bossino: Does the Minister have an idea what the cost of this initiative will amount to at this stage?

835

Hon. Dr J E Cortes: No, Mr Speaker, we are engaging with the catering department, as I have said, with management of the Hospital and with Technical Services. They now know the surface area that they require, the different sections that they require and so on, but because the site is not exactly... although we have a fair idea of where it will go, we are not yet at the point of knowing exactly how much it will cost. I think that we will be able to know... I think, again, it is a matter of weeks before we know that.

The discussions are well on their way.

**Gibraltar Health Authority
General Medical Council registration**

840

Clerk: Question 276, the Hon. Mrs I M Ellul-Hammond.

845

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how their policy on ensuring all GHA doctors are GMC registered will work?

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

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have met with the Medical Registration Board and we are working together in drafting new legislation to encompass this. We have also taken steps to meet with GMC representatives to explore details of how we can establish a system. I will be able to report further once these discussions have taken place.

855

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker, but could the Minister give us an indication of how he will be outsourcing to the GMC the assessment of doctors in Gibraltar to practice? Is there some initial idea of how the GMC could become Gibraltar's regulatory body in practice?

Hon. Dr J E Cortes: Not yet, Mr Speaker.

860

We have only very recently – I met with the Board, I think it was about two weeks ago – made contact with the GMC. I need to discuss it with the Medical Registration Board and we have now sent out... we have made contact now with a view to meeting with them and discussing with them but, obviously we have to be professional enough to await our discussions before I say anything publicly because they will have their views, we will have ours. I am confident that we will be able to marry the two and come up with a way of meeting our manifesto commitment to the satisfaction not just of the doctors, but also of the Health Service of the community as a whole, which needs to be confident that the doctors are properly regulated.

865

Hon. Mrs I M Ellul-Hammond: Mr Speaker, this is a policy move I do support, to ensure that all doctors practising in Gibraltar should be, and are, GMC registered.

870

Can the Minister explain if *all* doctors practising in Gibraltar, including in the private sector, will also require GMC registration and yearly re-registration?

875

Hon. Dr J E Cortes: Again, I cannot speak for the GMC, but certainly the intention I think that the community, as a whole, should be confident that *all* doctors practising in Gibraltar, both within the Health Authority and outside, are properly regulated to the standards of the GMC. So I think that, on this one, we agree.

880

Hon. Mrs I M Ellul-Hammond: And, finally, Mr Speaker, what will now be the role of the Gibraltar Medical Registration Board, which is chaired by the Director of Public Health? Will its role change or will it be taking on any of the GMC's roles?

885

Hon. Dr J E Cortes: We will have to await the discussions of the GMC before I am able to reply to that question. We are just initiating contact. We need to see how we will work and I just do not know. Hopefully, in a couple of months' time, if you ask me again, I will have some indication.

890

Clerk: Question 277, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain their manifesto commitment, outlined on their Health page, under 'Day Surgery', of: we will be 'looking into operating a day

case unit for surgical services’?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, ‘looking into operating a day case unit for surgical services’ will entail reviewing all aspects of day surgery within the GHA so that we can optimise the use of resources available within theatres and look at opportunities in widening the range of treatments provided on this basis. We plan to look into all aspects that relate to this service and this includes facilities, management of the unit, operational procedures, activity, current practices and quality measures.

The aim is to expand the Day Surgery Service as much as possible, without the need for overnight admission.

905 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Hon. Minister’s answer to my Written Question number 69/2012, the Minister stated that the Day Case Surgery Clinic was first introduced by the GHA on 24th February 2005.

910 Was the Minister not aware that a Day Case Surgery Service had already been in existence for these last six years, when his party was writing their manifesto?

Hon. Dr J E Cortes: The sad thing is that the Day Surgery facilities are not operating to the extent that, certainly, I would like or to the extent that I think would benefit the community. The Day Surgery system is not functioning as one would like.

915 I had the pleasure of visiting a Day Surgery Unit in Salisbury General Hospital a couple of weeks ago in order to discuss and look into the way they work there and it is likely that maybe even as much as 80% of the kind of surgery we do at St Bernard’s Hospital *could*, if the facilities and the culture were right, be carried out by Day Surgery, which has various benefits, including the fact that beds are more available overnight for emergency admissions and the fact that people spend less time in hospital and more time at home. So it has got the benefit across the board.

920 We have to do a lot of work yet to get our Day Surgery facilities working at full throttle and that is what we intend to do by tackling the matters that I referred to in my original answer.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister not aware that there is a difference between a Day Surgery Unit, that, in their view is *not* working, and there not being one at all? (**Hon. D A Feetham:** Hear, hear.)

925 How will the Minister improve on the so-called ‘deficient Day Surgery Service’ that exists at present which, in his answer to my question 69, 160 patients had benefited and used this service within less than a month?

930 **Hon. Dr J E Cortes:** There is a difference between a Unit that is not working and none at all. It depends on how much or how little it is working.

935 What I am saying is that there is a huge potential for developing Day Surgery, which is not being fulfilled at the moment and which we want to work at improving. This will require looking into all sorts of things, including the staff that we have available, including the fact that they are geared up to Day Surgery and the whole management of the Unit.

Therefore, I think that the judgement should come once we have taken on this initiative. It may work better or it may work less well, but I am confident that, if we put in the necessary resources, we will be able to increase the number of patients who are operated on in St Bernard’s without having to stay overnight.

940 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am grateful that you are looking into ways of improving the service, but does the Hon. Minister not concede that the service was in existence (**A Member:** Yes, absolutely.) while you were writing your manifesto and that, surely, you would not be sending 160 patients to use a service that is not working correctly?

945 **Hon. D A Feetham:** Hear, hear.

Hon. Dr J E Cortes: Mr Speaker, I did not write the manifesto. I was not in politics at the time so I

cannot really answer her comment.

950 All I can say is that... (*Interjections*) I was not in the College yet, Mr Speaker.

Mr Speaker, I revert to my original answer and explanation. The potential for Day Surgery in Gibraltar is very great. It is under-utilised and therefore we have to work hard to achieve it and that is really all I have to say on the matter.

955

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

**New teaching posts
Recruitment**

960

Clerk: Question 278, the Hon. Mrs I M Ellul-Hammond.

965 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain the process by which the 47 new teaching posts will be filled and if any will be recruited to fill 'retired' posts or specialist advisory roles within the Department of Education?

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

970

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the process started in December 2011, when head teachers were asked to produce a report on whole school needs. This included staffing requirements.

975 The consultation process continued with the Advisory Service of the Department of Education visiting individual schools to discuss staffing issues with head teachers. The result of the exercise have helped to inform the Department of Education as to how and where the 47 *new* teaching posts should be allocated.

980 The vacancies have been advertised in an official notice advising prospective applicants that interviews would commence on Monday, 2nd April 2012. Successful applicants will be in post for the start of the 2012-13 academic year. Any teaching posts left vacant due to retirement will be covered by the recruitment of teachers over and above these 47 new posts, in keeping with the Government's manifesto commitment of increasing the current teacher complement of 333 to 380.

In other words, the 47 new posts will not be used to cover retirements. Any retirements that occur between now and the end of this academic year, or the start of the following academic year, will be recruited by new posts over and above the 47.

985 It is anticipated that at least three of the 47 new posts will go towards the Behaviour Education Support Team which, to date, has been staffed predominantly by supply teachers.

Hon. Mrs I M Ellul-Hammond: Thank you for that, Mr Speaker.
Can the Minister advise if any of these 47 vacancies are to be used as Classroom Aides positions?

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Hon. G H Licudi: No, Mr Speaker, there is a separate question on the Order Paper in relation to Classroom Aides, but these are teachers, not Classroom Aides. That is a totally separate exercise that is being done in relation to Classroom Aides.

995 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise what the Government's optimum maximum number of children in classes at each level of the education system will be, where a number of these new teaching posts will be placed to achieve these optimum class sizes?

Hon. G H Licudi: Is the hon. Member asking what the class sizes will be or how many of the 47 will be used to achieve that?

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Hon. Mrs I M Ellul-Hammond: The size. I appreciate that, perhaps, I should have given notice for this.

1005 **Hon. G H Licudi:** What I can say is that that is a matter that I am in discussion with the advisers at the Department of Education and the Director of Education in relation to the recruitment process of the 47 new teachers.

1010 I am undertaking an exercise whereby I have visited all schools, in fact, except for Varyl Begg Nursery, which is the only Government school that I have not visited yet. I have visited all schools to see for myself the question of classroom sizes and to talk to head teachers about that. That is an ongoing process, which I am in the process of discussing with the Education authorities.

Hon. D J Bossino: Does the Minister, so I can understand him fully, after assessing staffing requirements with the head teachers, is he aware of where these posts are going to be filled in by these 47 new recruits?

1015 **Hon. G H Licudi:** Yes, Mr Speaker, the exercise that has been done was done in conjunction with head teachers, taking into account their needs. Following discussions with the head teachers, tentative provisions have been made in respect of the numbers to be allocated to each school, so that exercise has been done.

1020

**Special educational needs
Additional resources for schools**

Clerk: Question 279, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, as per the manifesto commitment to start within three months of taking office, can the Minister for Education explain at what stage his Department is in relation to carrying out a review to identify what additional resources are required in each school for children with special educational needs?

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

1035 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this question together with Question 280/2012.

**Special educational needs
Classroom Aides**

1040

Clerk: Question 280.

1045 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us if the Government is going to increase the number of Classroom Aides as part of their resourcing and support of children with special educational needs?

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

1050

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government's manifesto commitment was to identify – starting within three months of taking office – what additional resources are required for special educational needs for children in each school. I can confirm that this review was started in December 2011.

1055 All head teachers have been consulted in relation to the additional resources for special educational needs that they may require. These include staffing, environmental adaptations and equipment.

The data received is now being processed. The review has already identified a need for extra Classroom Aides. As an immediate step, 15 part-time Classroom Aides – in other words, 15 Classroom Aides who

1060 currently work part-time – who have asked to be considered for full-time employment, will be made full-time as from April 2012. This will have the immediate effect of increasing the overall support available for children with special educational needs. The effect, in fact, is an increase by 7½ Classroom Aides immediately.

1065 The engagement of further Classroom Aides is currently being considered, because the process is ongoing, having received the data and information and the requests from the different schools. I can also confirm that the supply lists for Classroom Aides is in the process of being repopulated. Applicants have already been interviewed and they should be available to provide cover shortly.

1070 I should explain that the problem we found was that, just before the Election, the supply list for Classroom Aides has essentially been exhausted, because the people on the supply list have been taken on for permanent employment. Therefore it was not possible, when Classroom Aides were off sick, or had engagements, to get supply Classroom Aides to come in to do that temporary cover. I understand that the previous administration was in the process of advertising, or had advertised, for that supply list. We have continued that process; interviews have been taking place and the successful applicants to go on the list will go on the list shortly and will be available to provide cover.

1075 The Department of Education and the Care Agency are also working together on collating data with reference to pupils with disabilities. The aim here is to look at the future needs of young people and children, as they progress through the education system and on into the adult world.

Hon. Mrs I M Ellul-Hammond: I am grateful for that.

1080 Mr Speaker, is the Minister aware that a full review of Classroom Aides was conducted by the former Director of Education just before the Election? I am not sure if you are using that Report – he submitted new salary scales, job descriptions and made recommendations – whether that review has been looked at and is being implemented as part of the plan of making 15 part-time Aides full-time?

1085 **Hon. G H Licudi:** No, Mr Speaker, the answer I have given is in relation to the review in respect of additional resources, which is something separate from reviewing the contract and the terms of engagement of Classroom Aides.

1090 This is something that I started in December 2012 with a face-to-face meeting with all head teachers and asked them specifically for their requirements, both in respect of staffing, so that we could do the exercise for the 47 teachers, and also in respect of special educational needs, as well as other matters, such as maintenance and buildings and all those matters were discussed.

1095 I asked for the teachers to produce, essentially, a wish list of what they would like for their schools. Having received that, that was the data that was collated. It was immediately identified that there was a need for additional Classroom Aides. Therefore, a decision was taken to engage those Classroom Aides who currently were in the system, working part-time, who wanted to go full-time, to engage them full-time and we are considering what further resources are required, in addition to making available supply Classroom Aides.

As a separate exercise, we are looking at the contracts and terms and conditions and we expect that that process will be ready when the Classroom Aides are made full-time in April, so that the terms of engagement can be standardised for all Classroom Aides.

1100 **Hon. Mrs I M Ellul-Hammond:** Can I suggest to the Hon. Minister that, perhaps, he asks the previous Director of Education to show you the work that had already been done, so that you do not have to duplicate it? Just to, perhaps, facilitate that.

1105 Mr Speaker, can the Minister answer how gifted children will be helped? Does he have an idea of what extra resources, or work they will receive that is already over and above the differentiation of current work that is being done and any extra work that is already given to them within the classroom?

Hon. G H Licudi: Mr Speaker, that is a matter that is also being looked at. Primarily, as the hon. Lady has identified, the matter is tackled through differentiation. Not everybody that is in the same class receives the same work and takes the same homework home.

1110 Pupils are differentiated, not just by being placed in bands in separate classes, depending on ability, but also within the same classroom there is differentiation that occurs. It is a matter that I have discussed with head teachers. I am informed, and am satisfied, that differentiation is working well, but we are looking at what additional help can be given, but the main process by which that is achieved, is through differentiation and it

is actually working.

1115 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Government pledges for all children, you just mentioned, to be assessed for special educational needs on entry into the education system.

1120 Is the Minister aware that this assessment or psychological screening is already being conducted on all children on entry into the education system and that the reporting system does ensure that there is continuous assessment and this stays in place? So what does the Hon. Minister envisage will be extra assessment for these children and will there be any extra work for the teachers to take on?

Hon. G H Licudi: Mr Speaker, it is not a question of extra assessment. I am certainly aware that there is an assessment panel and that children are assessed.

1125 There is a need for ongoing assessment, not just an assessment at the start of the educational life of the child, but ongoing assessment, because the needs of children can change in one direction or another. There may be a need for a particular child to have a Classroom Aide for a particular year, but not the next year, because of the progress that may be made. So the assessment is, and has to continue (*Interjection by Mrs Ellul-Hammond*) to be and has been, well, and that is a process that will continue.

1130 What we are also doing, is not just looking at it from an educational point of view, but because we said that we want to have the assessment and continue that through the educational life of the child and beyond, that is a reference that I made to the collaboration that is taking place with the Care Agency at the moment, so that there is exchange of information.

1135 In effect, what there should be, what there must be, in respect of children, is shared information, as to information that the Care Agency has in respect of disabilities – because they are dealing with issues regarding children with disabilities – and information that the Education Department has in respect of the assessment panel and the assessment in respect of special needs. That information is shared, so that there is, firstly, co-operation between the two agencies, the Department and the Agency, during the school life of the child and support is provided to both because, in some cases, we have children that are in the hands of the Care Agency, but they do need educational support. We have already witnessed, in the last few months, a number of examples of that and there are also children, clearly, within the educational system, that need the support of the Care Agency and that collaboration must continue on a hands-on and a shared information basis.

1140 Beyond that, what is also important is that there should not just be shared information and collaboration during the school years, but that, at the end of the day, the child with, perhaps, disabilities, that is going to have continuing needs for services of the Care Agency, they will progress into adulthood and there has to be a transition. That transition has to be managed during the course of the education system and that is why that collaboration is existing, to be able to make sure that we can manage that transition and not essentially leave a child in limbo, once he leaves the educational system.

1150 **Hon. Mrs I M Ellul-Hammond:** Well, Mr Speaker, my understanding is that process already was in existence and there was already collaboration between the Care Agency and the Department of Education and the Health Authority, so my question is how will it be different from what has already been in existence?

1155 **Hon. G H Licudi:** Mr Speaker, I have absolutely no idea what the system was before.

We came into office in December 2012 (*Interjection*) and we have decided – sorry, 2011, thank you – and we had decided to put this system in place to make sure that that exists. I am certain that there must have been some collaboration before, but it is not something that we have said, ‘Well, what existed before, let us just continue’: we have decided to talk about the needs of these children and how we can assist in working in conjunction with the two agencies to assist those children.

1160 Of course, there was collaboration before, of course there was assistance given to children with special educational needs before and, of course, the Education Department did a very good job in doing that, as indeed, did the Care Agency. What we are doing is continuing that work, perhaps enhancing that work by focusing more on that transition to adulthood. Perhaps there was – I will not say a failure – in that respect, but possibly more needed to be done and we are concentrating specifically on that, to make sure that transition is seamless.

1165 I do not want to be critical of the previous administration; I am here to answer for what *we* are doing and to explain what we are doing, rather than how what we are doing is different from the previous administration.

1170 Whatever happened before happened, and we are certainly grateful for the efforts of the Department of Education and the Care Agency *before*, in assisting these children and we will continue that process and try to enhance it.

1175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am grateful for that acknowledgement and so, just to sum up, you are perhaps reviewing what is already in place and, perhaps, in your mind, if you feel there could be an improvement or more resources or funding could be pumped into the service, that is what you will be doing.

1180 **Hon. G H Licudi:** Mr Speaker, not just that. We have not come in and said, 'Well, let's just review what is in place and see how we can improve it.' We have come with ideas as to what *we* want to see achieved, and we have given instructions so that our system is put in place.

To the extent that that requires speaking of what happened before, that is what is happening. It is not just a question of looking at what existed before; we have decided what we want to do and how we want to achieve it and that is what we are putting forward.

1185 **Mr Speaker:** The Hon. Damon Bossino.

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

Just for my assistance, can the Minister confirm what my understanding is, in terms of the review... and I commend that the review has started and that was one of their manifesto commitments. I commend them for that.

1190 But the features of the review, if I can put it and summarise it in these terms, is a consultation with the head teachers which, presumably, you have confirmed has started and will presumably be ongoing; and, secondly, there will be a data collection in relation to all children with diabetes – sorry, with disabilities – I am thinking about something else! – (**Hon. G H Licudi:** Special needs.) Sorry, special needs – is that the position? I think you said disabilities but, fine, I accept that.

1195 So is the review going to take other features? Are you going to be looking at different things within the review they are carrying out?

Hon. G H Licudi: With special needs?

1200 **Hon. D J Bossino:** Yes, of course – this arises out of a supplementary question made by my colleague, Mrs Ellul.

1205 **Hon. G H Licudi:** Well, yes, as I have already explained, what we are doing is looking at specifically what is required by the different schools, what the head teachers identify are either additional resources or additional facilities, or additional equipment. All those matters are subject to... and it is not a review which we say, 'We've started the review and it is going to be an ongoing review.' It is a request that we made – that I made specifically – of head teachers to provide me with what those resources, both personnel resources, material resources, building resources, equipment resources – all those resources – were and all that has been provided. All that information has already been collated and is being looked at, at the moment.

1210 And it is being looked at not just for the purposes of saying we are doing a review; it is being looked at with a view to implementing the additional resources which are required which, as the hon. Lady identified, was a manifesto commitment from us. We immediately implemented part of it by identifying a need for Classroom Aides – and further Classroom Aides, I am sure, will be needed and will be engaged – as well as issues relating to buildings – which we are looking at – and specifically also in relation to equipment – not just equipment specifically for special needs, but generally equipment that is required in schools. All that is currently being looked at and will be implemented very soon.

1215 **Hon. D J Bossino:** In relation to the second feature which I identified, in relation to the data collection of children with special needs, can he expand on that?

1220 Am I right in understanding that forms part of the review and, if it is correct, what does it mean by that – by data collection?

1225 **Hon. G H Licudi:** I explained it to a certain extent, before. What I specifically asked was for head teachers to provide to me a wish list of what it was that they required, in terms of resources, both staffing, manning, additional Classroom Aides and other kinds of resources and facilities that they require. That is the data that has been collected, in respect of those wish lists from all the individual schools, which has been put together with an emphasis, on the one hand, for the purposes of staffing and the 47 teachers which we already have touched upon; on the other hand, separately, looking at facilities and resources which are required in respect of special needs, on which we are very interested in implementing as much of that as possible very, very quickly; and, separately, in relation to buildings, maintenance, refurbishment, those sorts of areas.

1230 So there are distinct areas to the collection of that data, which is in a very advanced stage of having been looked at.

1235 **Hon. Mrs I M Ellul-Hammond:** And, if I may, Mr Speaker, I think my hon. Friend perhaps was referring to individual educational action plans for the children with special educational needs and, together with a continuous assessment, the plan will be changed and adaptations or resources will be required for the children as necessary. Is that the plan?

1240 **Hon. G H Licudi:** Yes, Mr Speaker, as I said, there is an assessment panel. There are professionals in the Education Department that deal specifically with these matters and I have given them instructions to specifically look at all aspects of special educational needs and the plans that are required in respect of the children, with a view to implementing all of that, as I said, very, very quickly.

1245

Schools maintenance teams Policy

1250 **Clerk:** Question 281, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education explain their schools' 'maintenance teams' policy?

1255 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1260 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government's policy is as stated in its manifesto, namely to provide a dedicated pool of sufficiently resourced maintenance staff for schools. This policy is already in effect, as stated in the Government press release dated 15th February 2012.

1265 The system put in place consists of a team contracted from GJBS. They comprise an experienced foreman and eight skilled operatives working exclusively in schools. They are tackling small scale repair jobs estimated at taking less than five days, and are liaising directly with officers from the Department of Education.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say if this service went out to tender or was it directly given to GJBS?

1270 **Hon. G H Licudi:** This is a matter that was discussed with the Chief Executive and other officers from GJBS and it was decided that they... or rather they put together a proposal that they *could* put together a dedicated team for schools, and it was decided that they should be engaged to provide that service.

1275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain how this policy is now different to the one before, where GJBS staff were called into schools to carry out minor works maintenance projects?

Hon. G H Licudi: Mr Speaker, again, I am being asked to look into the past, and look at the situation before we came into office.

1280 In this particular case, I happen to know how the position is different. All schools have in the past had access clearly to maintenance facilities and, as I understand it, that was traditionally provided by GJBS. That was on the basis that a requisition form was sent to the Department of Education, then onto GJBS, and GJBS, as and when they had somebody available to do that particular job, would send somebody to the schools.

1285 That is quite different from what we have at the moment, which is a *dedicated* team of GJBS employees and a foreman, dedicated exclusively to schools and who can be called upon. As I understand the position, previously GJBS did act on requisitions, did provide, again, as I understand a good service to schools. They did not have this dedicated facility. Whether it is going to be better or worse, time will tell. What we certainly can say, it is slightly different, and it is a *dedicated* service for schools, which is what we said we would be putting in place and we did so within a couple of months.

1290 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if these maintenance costs are to be paid from the different schools' individual maintenance budgets, as per your new manifesto commitment, the new policy, or the costs are taken from the Department of Education's yearly maintenance budget, which was around £1½ million as per the previous administration's maintenance spending?

1295 **Hon. G H Licudi:** Mr Speaker, schools do not have their own individual budget for maintenance.

What we have said in the manifesto is that that is something that we would bring into effect. That has not actually happened yet. What we have done is provide the dedicated maintenance team for schools, but that is being met out of central funds administratively controlled by the Department of Education themselves.

1300 I have discussed the issue of the specific dedicated budget for schools with head teachers. The view that has been taken for now is, 'Let's see how *this* system operates', and although we are certainly committed, to the extent that there is a need for individual budgets, it is something that we will put in place, but not immediately. I wanted to put in place *this* system immediately and see how it works, and then discuss further the maintenance requirements of the schools and how much they needed – having regard to how this system is working, paid for by central funds controlled by the Department of Education; then, having regard to that, see what else would be required by the schools by way of individual and dedicated budgets which each headmaster would control. So that would be looked at following the implementation of the system and after the system has been running for a number of months.

1310 **Hon. Mrs I M Ellul-Hammond:** I am grateful for that. Perhaps that would be a topic for a question at a further date.

Finally, Mr speaker, can the Minister explain how the new maintenance team's policy will fit in with the school refurbishment programme – will there be any link at all?

1315 **Hon. G H Licudi:** Mr Speaker, it is a totally different policy and programme. As I explained in the original answer, this is maintenance in respect of works which are estimated at taking less than five days – five days or less – in other words, very minor works.

1320 There are, in addition, minor works plus refurbishment of schools. What we have said we will do is put together a permanent refurbishment programme for schools. What will actually happen will be seen in the context of the new financial year – the allocation of the specific budget for that, but that will be coming on stream very soon and it will be something very different from this, which is purely maintenance of very small works.

1325 **Director of Education post**
Number of applicants; commencement date of successful applicant

Clerk: Question 282, the Hon. Mrs I M Ellul-Hammond.

1330 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many people applied for the position of Director of Education and when the successful applicant will be in post?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications

and Justice.

1335 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, two people applied for this position. Interviews were held on Thursday, 8th March 2012. I can confirm that the successful applicant was Mr Joey Britto, who is in post as of 14th March 2012.

1340 Mr Britto was Senior Education Adviser at the Department of Education. He has been acting as Director of Education since 3rd January 2012, when the previous Director of Education commenced his new role on promotion to the post of Chief Secretary.

I take this opportunity, Mr Speaker, to welcome Mr Britto to his new and important job (**A Member:** Hear, hear.) and look forward to working with him. (*Applause*) Certainly, I and the rest of the Government look forward to working with him in relation to the Government's Education Programme.

1345 I also want to take this opportunity, at this stage, of thanking the former Director of Education, Mr Ernest Gomez, for his dedication over many years to education in Gibraltar and, in particular, for the excellent work he carried out over the more than five years that he spent as Director of Education.

1350 **Hon. D A Feetham:** On behalf of the Opposition, certainly the Opposition would associate themselves entirely with the words of the Hon. Minister and congratulate Mr Britto, and also join with the Minister in thanking Mr Ernesto Gomez for the work that he has done as Director of Education when *he* was there.

EQUALITY AND SOCIAL SERVICES

1355

Calpe Ward Running costs

1360 **Clerk:** Question 283, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how much it will cost to run the Calpe Ward on an annual basis, broken down by staffing costs, equipment and other costs?

1365 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1370 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the cost of running Calpe Ward for 2012-13 will be £774,842, of which £603,360 is staffing – that is personal emoluments, wages-related allowances and social insurance. The recurrent cost of expenditure for the Unit will be £171,482. The cost of equipment has been £136,445. This has been a one-off expenditure to equip the Unit to its present state.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that I am right in assuming that her Department has had to reissue the employment advert for registered nurses at levels 1 and 2, to 'man' the Calpe Ward because of a low level of people applying for the first advert that came out about six weeks ago?

1380 **Hon. Miss S J Sacramento:** No, Mr Speaker, I am not aware and perhaps if I had been given notice of that specific question I would have been able to reply. I am not... as far as I am aware Mr Speaker, there was an advert placed by the GHA, actually, not the Care Agency and people applied to that advert. In fact, that question is asked by the hon. Member later on and I do have the details for that.

I am sorry, Mr Speaker. Actually, it is asked as a written question!

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if all the eight registered nurses and the 18 care workers positions have been filled in order to run the Calpe Ward properly?

1385 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the date of appointment of the registered nurses is contained in the written answer – in the answer to the written question.

**Facility for the Elderly
Long term plan**

1390 **Clerk:** Question 284, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services explain what the Government's long term plan of 'a made to measure facility for the elderly', is as outlined in their manifesto on the Health page, under additional wards at St Bernard's and facilities for the elderly?

1395 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1400 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, our manifesto commitment for a short term policy of adding beds at St Bernard's and having a made to measure facility for the elderly has already been met. This was achieved on the 26th February 2012, by the opening of Calpe Ward for 18 long stay elderly patients, and thereby releasing this number of acute beds in hospital. We will, of course, strive to provide further made to measure facilities for the elderly, and will do so once the feasibility study as to the need is complete. The Care Agency and the Gibraltar Health Authority will work in close collaboration to achieve this aim.

1405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, for the sake of clarification, can the Minister explain if this is the same after the review will be conducted, high quality, I quote 'high quality cost efficient nursing homes' which is also stated in the same paragraph in that page 30 of the manifesto.

1410 **Hon. Miss S J Sacramento:** Mr Speaker, as I have said on previous occasions in this Parliament, the starting point will be to identify the need, and that is what we are doing now. Once we are able to identify the need, then we will move on to step 2, as to the need for residential care, domiciliary care, and any other care for the elderly. We are not yet at that stage because the feasibility study is not yet complete.

1415 **Hon. Mrs I M Ellul-Hammond:** Yes, I am grateful for that Minister, but it is just for the sake of clarification, because it has been brought up by several people while reading this paragraph in the manifesto, under 'Additional wards at St Bernard's and facility for the elderly', because there is a mention, as you rightly said:

1420 'our short term policy will be to add beds at St Bernard's. We will also provide a made to measure facility for the elderly' –

which you have clarified is the Calpe Ward, but then it goes on to say,

1425 'It is time to provide high quality cost efficient nursing homes in Gibraltar...'

and we would seek clarification if that means a home *in addition* to the new Alzheimer and Dementia Hospital that is being built. And it goes on to say,

1430 'We will do so to complement Mount Alvernia and the new Geriatric Care Ward –'

- which I am assuming is the Calpe and Cochrane Wards –

'and Alzheimer's centres we will provide.'

1435 Now, again, there has been question as to what these Alzheimer's centres are. Is this, again, the daycare centre that was already planned up at the Royal Naval Hospital site, or is this a new... so that paragraph is a little confusing and members of the public are not sure how much more the Government will be providing for Alzheimer's and elderly care.

1440 **Hon. Miss S J Sacramento:** Mr Speaker, for clarification, no day centre at the RNH Unit was planned. What was planned was a very little unit which is not by any stretch of the imagination the type of day centre that would be suitable for the need of Alzheimer and Dementia patients.

Mr Speaker, to clarify once again, before I can answer that question properly, I need to wait for the

1445 outcome of the feasibility study.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, but the manifesto seems to be quite clear of what the Government is pledging. Is the Minister suggesting that you may be renegeing on what is stated in the manifesto?

1450 **Hon. Miss S J Sacramento:** Mr Speaker, I am certainly not renegeing on what is written in the manifesto. However, Mr Speaker, as to the number of facilities or the type of facilities that we build will depend on the need for each individual facility and I will not know the exact need until the feasibility study is complete.

1455 What this Government will do, Mr Speaker, is assess the need and address the need, not the other way around, because then we find ourselves with a situation that we have found ourselves at the Dementia unit at the RNH, which will be that we may have to incur expense in having the layout of the premises fit for purpose. What we will do first is identify the need and we will work from there.

1460 **Hon. D A Feetham:** Yes, expense that the Hon. Minister, having been a Minister now for over 100 days, does not even know what extra expense there will be. She keeps on talking about all these works that need to be done to the Dementia Unit and then, when one asks a very simple question about, 'Well, what's the extra cost?', she does not even know that.

1465 But will the Hon. the Minister, confirm – and I agree with her, that one analyses first need, and then one goes on to effectively meeting those needs – was that equation and that assessment and that analysis not done when you clearly made manifesto commitments that you did, which are clearly making pledges in relation to facilities that you are promising to members of the public? Therefore, you either made those pledges without having done analysis of the need, or you must have done so. Now what is it?

1470 **Hon. Miss S J Sacramento:** Mr Speaker, as we were not in Government more than 100 days ago we could not have undertaken an in-depth analysis as to the needs for the elderly because we did not have access to the information that was required. Now that we are able to access this information, that feasibility study is being undertaken.

1475 Insofar as the costs that the RNH Unit... what I said this morning, Mr Speaker, was that, of course, there will be costs incurred in any changes but I do not know the exact level of those costs because I do not know the exact level of the changes that will be made. And, of course, no architect and no engineer and no builder will make alterations free of charge.

In fact, what I did say was that I have been asking for information of the costs, following on from the four changes that have already been requested to the plans at the RNH Dementia Unit by the previous Government, and I still do not have that, Mr Speaker, so I cannot give any further details.

1480 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, this side of the House was under the impression that the manifesto had been costed.

1485 **Hon. Chief Minister:** Mr Speaker, not only has it been costed, I am very happy to say it has been very *accurately* costed, from the information that is coming across to us from the civil servants who are now looking at some of the commitments and what we can expect to see in respect of the tenders for construction of some of the projects that are in the manifesto.

1490 But that is not to say, Mr Speaker, that in respect of *some* aspects of the manifesto, the hon. Lady is going to be unable to give Members opposite a figure of what the costs will be in undertaking certain works, some of which may only have arisen as a result of her own investigations, having arrived in the Department. It could not be otherwise, Mr Speaker.

Clerk: Question –

1495 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: Perhaps the Chief Minister can help me with the question that I asked the hon. Lady. The hon. Lady quite rightly says that one has to do an analysis of needs and then see what one has to do, in order to meet those needs. But perhaps, because he was involved in the writing, or he wrote or was the

1500 principal writer of the manifesto, did he, when the manifesto pledge was made of

‘We will also provide made to measure facilities for the elderly’,

1505 and then there is another – a number of other commitments – had he conducted that assessment of needs when he made those pledges in the manifesto? Because she is absolutely right: you make pledges based on needs, but now, when we ask her about, ‘Well, what extra facilities are you doing?’ she now falls back on having to conduct an assessment, which we would have thought would have been done before writing that manifesto.

1510 **Hon. Chief Minister:** Mr Speaker, I had the opportunity of hearing the answer that the Hon. Miss Sacramento gave whilst I was in the ante-chamber and I thought that she answered absolutely perfectly and demonstrating a maturity beyond her years in this Parliament. *(Applause)*

1515 You see, Mr Speaker, what the hon. Gentleman needs to understand is that, from Opposition, one is able to make certain assessments and from Government assessments take, obviously, a different shape when one has the information available to one, that the hon. Members opposite, despite being in Opposition, will themselves have at the time that they come to fight the next General Election and whoever it is who may lead that party. As I have said, I am going to adopt the Douglas-Home guidelines to allow members of the principal parties of Opposition access to senior civil servants so that they can make assessments with information available to the Civil Service when the time comes to write their manifesto, in four years time – something which, he will know, his party did not do when they were in office until the 8th December, despite my public request that that should have been the case.

1520 **Hon. D A Feetham:** Well, thank you very much for that party political broadcast, and, but he has not, with respect, answered the question, and you may every time we ask a question of the hon. Lady, decide to refer to the fact that the hon. Lady has only been Minister for a short period of time, and I accept that, one has to give new Ministers a certain amount of latitude. But one must also accept that we are doing our job and that it is within our job description, of asking questions about commitments that the party opposite made when they were in Opposition. Now can he answer once and for all, what facilities, what, did he have in mind when *they* made the commitments in the manifesto? It’s a very simple question.

1530 **Hon. Chief Minister:** Mr Speaker, I am delighted to get up and refer the hon. Gentleman to date to the short period of time that the hon. Lady has been a Minister, but I fully expect that she will be a Minister for much longer than *he* has been a Minister and, therefore, the time will come when I have to refer to the fact that she has much more ministerial experience than he.

1535 But, anyway, I am delighted for them to come to this House to do their job, to ask us questions, but when it comes to issues of policy and how it is that we are going to implement parts of our manifesto and what it is that we had in mind when we were in Opposition, I will (a) remind him of the debates we have had about me not having to tell him what it is that I have in mind; not having to be answerable for what we did in Opposition; and (c) remind him that he will very soon be seeing statements setting out different parts of our manifesto which are being implemented.

1540 When we come to the point of making a decision to make the announcements of what we have in mind, he will read it in the press.

Hon Dr J E Cortes: Mr Speaker, if I may –

1545 **Hon. D A Feetham:** He obviously doesn’t have a clue what he had in mind when he wrote the manifesto!

Hon. Chief Minister: No, Mr Speaker, I have many clues of many things I have in mind when I did many things including when I wrote the manifesto, not sharing it with him doesn’t mean that my mind is empty, although that may be what happens to him when he doesn’t want to say much more than he has said into the microphone.

1550 **Mr Speaker:** The Hon. Minister for Health.

Hon. Dr J E Cortes: Mr Speaker, if I may come back to the question of assessing the need for the elderly,

1555 I think it is perfectly logical, as my hon. Friend, Mr Feetham, has pointed out, that when coming into Government, a new Government has to assess what the needs are, what is not logical or even acceptable is that the former Government who *had* the information at the time, did not assess the needs, because they have left us with a problem with the elderly, a problem to do with housing, a problem to do with domiciliary care, a problem with the institutionalisation of the elderly, with our hospitals full of elderly people, not allowing acute medicine to take place. We have already started and taken immediate steps to relieve that, I think the shame is that the past Government had not carried out that assessment, had given the false impression that there was a Mental Unit and Dementia Unit that had already been properly designed, when they had not. That is the point that we must not miss, and that is a point that we are going to put right.

1560
1565 **Hon. D A Feetham:** Well, thank you very much for that, but does the hon. Gentleman not agree with me that building 86 flats at Bishop Canilla, 145 flats for the elderly at Albert Risso, when, in fact, in the late 1990's only a third of Mount Alvernia had, in fact, been open, whereas now that has triplicated in capacity, would he not agree with me...

1570 **Hon. Chief Minister:** Mr Speaker, on a point of order... On a point of order, Mr Speaker. This morning, when I was listening to a less than edifying spectacle in this House, one of the rulings that you made was that we should not be referring to things which were decades old. If the hon. Gentleman wants to get up and talk about the record of what he called this morning 'my Government' – namely, his Government, the one that ended on 8th December – that is a matter entirely for him, but I thought that, after your ruling he should not be referring to things older than that.

1575
1580 **Hon. D A Feetham:** Well, Mr Speaker, I am actually asking a question arising out of a statement that the hon. Gentleman has made about the record of the GSD in Government. Now, what's good for the goose is also good for the gander. He says that he was listening to it on the radio: well, the only unedifying spectacle was the fact that the former Leader of the Opposition challenged me to go to the ante-room to have a fisticuff with me. That was the only unedifying spectacle – (*Interjections*)

Mr Speaker: Order! Order! Order!
Now I think we are going back into recent history... The matter was dealt with this morning: I do not think we need to go back into that.

1585 The Hon. Daniel Feetham is right and, having regard to the fact that the Hon. Minister for Health *did* refer to the state of affairs that was left by the previous administration, that can form the basis... but, again, aimed at eliciting information or urging a course of action, not for defending previous Government's policies.

1590 **Hon. Chief Minister:** Mr Speaker if I might just clarify, I am not saying he cannot refer to what his Government – what he called, this morning, 'my Government', he talked of the GSD Government that ended on 8th December as 'my Government'... Of course, he can talk about that, but he was going back to 1993 and Mount Alvernia etc.

1595 **Mr Speaker:** No, exactly, I have ruled that, in the context of remarks made by the Hon. Minister, which was on the state of affairs left by the previous administration, that can form the basis of a question, not –

Hon. D A Feetham: I would not have asked the question had he not made the statement. But, Mr Speaker, I have already made the point I think that I want to make.

1600 **Mr Speaker:** Then we can move on.

Hon. Miss S J Sacramento: Mr Speaker, I would like to make a final point on that statement regarding the state of affairs of the elderly on 9th December, being that this Government inherited a waiting list for Mount Alvernia that exceeded 500 people, a waiting list of people on domiciliary care that exceeded 400 people, over 80 elderly people in surgical beds in the GHA, which resulted in over 100 operations being cancelled a year... (**A Member:** Shame!)

If we are going to talk about the state of affairs, Mr Speaker, those are the facts on 9th December.

1610 **Hon. Dr J E Cortes:** I would like to add, Mr Speaker, the fact that we have had to assess numerous flats in Albert Risso House because they were not suitable for the elderly.

Mr Speaker: Well, I must allow a question on this side, if it is a question? Then we shall move on. Next Question.

1615

**Children with severe challenging behaviour
Plans for secure unit**

1620 **Clerk:** Question 285, the Hon. J J Netto.

1625 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Service say if any Government property or properties has been, or is in the process of being, prepared and refurbished for the purpose of having a secure unit in the short term, prior to having a substantial property in the long term for children with severe challenging behaviour?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1630 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, options are being considered with regard to identifying an appropriate property to be used as a secure unit in the short term, prior to establishing a property in the long term for children who display severe challenging behaviour, which would require a secure unit.

1635 **Hon. J J Netto:** If I understood the hon. Lady correctly, she seems to be saying that a property is being identified for the purpose, in the short term, to provide a secure unit.

1640 I understood, from the question from the last month, that some flats have already been identified and some works were in the process of being carried through in order to refurbish those flats, hence the reason why this has triggered my question today. So, let me see if we can get this right: do we have some flats, in the short term, in the private sector... I'm sorry, in Government housing stock, being refurbished, as a short term measure, for the purpose of a secure unit? Is that the case?

Hon. Miss S J Sacramento: Mr Speaker, I said that flats have been identified, not that they have been refurbished.

1645 We are looking at identifying flats... not flats, premises, for it to be refurbished for the long term. Any short term flats are being identified but do not necessarily require refurbishment, Mr Speaker.

That is what I believe I said on the last occasion and the occasion before that.

1650 **Hon. J J Netto:** Perhaps, then, Mr Speaker, *Hansard* will say whether it was 'properties' or 'flats' but, anyway, that is a minor point which I don't want to dwell on.

Can the hon. Lady say whether they will be in a position within, perhaps, the next three months, of knowing whether there are some properties which can be used – notwithstanding the fact that some refurbishment may have to take place – and thereby use these properties as a short term basis for placing some looked-after children with severe challenging behaviour?

1655 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, in fact probably earlier, but certainly within three months.

1660 **Hon. J J Netto:** Could we also ask the hon. Lady, in terms of preparing for a situation where, hopefully, there will be a property in three months, notwithstanding any refurbishment works, whether some consideration has been given by, perhaps, the senior management, in this case, of the Care Agency, as to what the needs or the package that would need to be put together, in order to deal with the necessities and the circumstances of these looked-after children with severe challenging behaviour?

Hon. Miss S J Sacramento: Yes, Mr Speaker that is something that we have already looked at.

1665 Predominantly the most urgent thing in that respect is training, and DCRT training has already commenced. I explained that in the first meeting of this House, Mr Speaker. I am sure that the hon. Member may recall, because I was asked questions specifically on that training.

1670 **Hon. J J Netto:** By all means, of course, training is a most important necessity in the equation but, given that we are considering looked-after children with severe challenging behaviour, which presumably, in addition to having severe challenging behaviour, may have emotional problems, social problems, is the Care Agency giving thought that these particular children may need, perhaps, a ratio of carers much bigger than the other one? If so, have they considered the number of carers, notwithstanding the training and the level of training that may have been obtained so far, for this purpose?

1675 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and the complement is actually being reviewed specifically for this purpose.

1680 **Hon. J J Netto:** Could I also ask what specialist provision will be provided for these particular looked-after children as a package?

1685 **Hon. Miss S J Sacramento:** Sorry, Mr Speaker, I do not really understand the question, but I think that... Well, anyway, the answer is that the whole secure accommodation arrangements are being reviewed, both in terms of the accommodation itself, the legislation that is required and anything else that may be relevant, for Gibraltar to be able to provide secure accommodation.

Hon. J J Netto: I was not referring, Mr Speaker, in relation to any possible amendment to the Children Act for the purpose of having a secure unit because, obviously, I understand that that would be a necessity.

1690 What I meant by a specialist provision of care provision, given the nature of these particular children, whether a programme would be put in place, in terms of having educational psychologists, in terms of anger management, a whole range of different facilities that would be targeted for these particular children. That is what I meant by special care provisions, as opposed to the training, as opposed to the changes of legislation. Could the hon. Member please expand on that area?

1695 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, because all those things that the hon. Member has just mentioned are already provided for, in any event, and it would be a question of enhancing those and making those facilities available to the secure accommodation.

1700 **Hon. J J Netto:** Mr Speaker, I understand that those services are already there because it developed as I was there. But, given the fact that we are talking about removing some of these children – and I assume some of these children are in Tangier View right now and, hopefully, will be moving on to a property out there – there will be, perhaps, a question of resources that need to be thought through because, if you have, for instance, one support of an educational psychologist attending there or some particular psychologist attending to the other premises, they may not be able to duplicate that in a different area.

1705 One of the logical reasons behind Tangier View was that the facilities would be available in one particular place but, by having different facilities which, as I expressed before, I am not against the idea – in fact, I see it as a positive move, actually – will that mean that there will be extra resources over and above to the ones that already exist?

1710 **Hon. Miss S J Sacramento:** Mr Speaker, as I have said *ad nauseam* already, in the light of this question, the whole situation is under review, so if resources need to be provided then resources will be provided.

1715 **Hon. J J Netto:** Well, Mr Speaker, with respect to the hon. Lady, I mean, the whole question may be under review but what I am trying to ask the hon. Lady – which I think is a fair and sensible and reasonable question – is whether *she* thinks, regardless of what the review would say, whether extra resources will be needed as a result of this?

Mr Speaker: She is being asked to pre-judge the review?

1720 **Hon. G H Licudi:** The hon. Member is asking specifically for that, for a pre-judging of the review, also asking for an opinion by the hon. Lady. The matter is currently being investigated, it is not appropriate to ask for an opinion from Government Ministers, the Government is currently looking into the whole question of resources and, as *soon* as we are able to identify what is needed then that will be announced.

1725 **Hon. J J Netto:** Okay, Mr Speaker, fair enough, on and in relation to that, can I also ask in a slightly different supplementary question, are we still talking about, I think it was the figure that you provided in a different session, of five looked-after children are we still talking about that number? Or has the number decreased or increased, which is something that is likely to happen in areas of this issue.

1730 **Hon. Miss S J Sacramento:** Mr Speaker, I don't think that we have ever said that any secure accommodation would provide for five or four. We have never said the number. That was a reply to a specific question of how many children are at present in care, who manifest this severely challenging behaviour.

1735 The unit, obviously, would have to cater for a certain minimum looked-after children but, again, Mr Speaker, that is part of the review, because the review would establish the pattern of the need. We cannot just go by the figures that we have given – the children in care right now – we would have to see the pattern and see whether that pattern shows a consistent figure in the past, so that we are able to cater for enough children in the future.

1740 **Care Agency residential homes
Recordable acts of violence**

Clerk: Question 286, the Hon. J J Netto.

1745 **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. 169/2012 to date 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 at the Home or in the Hospital and for what purpose?

1750 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

1755 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Yes, Mr Speaker, there has been one incident of recordable acts of violence in Care Agency Residential Homes since this question was asked in Question No 169/2012. On 2nd March 2012 there was one incident between a child and a member of staff. No medical attention was required for the incident.

1760 **Hon. J J Netto:** Okay, Mr Speaker.

**Care Agency Residential Homes
Absconding Children**

1765 **Clerk:** Question 287, the Hon. J J Netto.

1770 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if there have been any looked-after children in the care of the Care Agency in any of their Residential Homes who have been absconding since 9th December 2011 and, if so, could the information be provided on a monthly basis, and stating how long the absconding lasted, whether any of them may have been engaged in acts of violence against other looked-after children or staff members?

1775 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Hon. the Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker there have been a total of 23 incidents of children absconding since 9th December 2011, 16 of which involved the same child.

1780 I am now handing out a table with the dates of the absconding, the time the absconding lasted, and whether any of them had been engaged in acts of violence against other looked-after children or staff members.

ANSWER TO QUESTION 287 OF 2012

Date	Length of time LAC absconded	Violence to LAC or Staff?	Home or hospital treatment
13/12/11	1 hour	No	
19/12/11	1 Hour	Staff	Hospital, attention to nose.
24/12/11	3 hours 15 minutes	Staff	Hospital attention to shoulder (LAC)
01/01/12	8 hours	Staff	None required
03/01/12	7 hours 5 minutes	No	
04/01/12	7 hours 15 minutes	Staff	None required
05/01/12	9 hours 15 minutes	No	
06/01/12	7 hours 35 minutes	No	
07/01/12	10 hours 30 minutes	No	
08/01/12	22hours 30 minutes	No	
14/01/12	8 hours 30 minutes	Staff	Hospital attention to leg pain (LAC)
18/01/12	10 minutes	Staff	None required
23/01/12	6 hours 10 minutes	No	
24/01/12	15 hours 20 minutes	No	Hospital attention to wrist. (LAC)
26/01/12	7 hours 30 minutes	staff	Tetanus for a bite, and anti biotic.
06/02/12	4 hours 7 minutes	No	
07/02/12	27 hours 45 minutes	No	
12/02/12	7 hours 30 minutes	No	
12/02/12	7 hours 30 minutes	No	
12/02/12	9 hours 15 minutes	No	
13/02/12	35 minutes	No	
16/02/12	6 hours	No	
16/02/12	6 hours	No	

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

1785 Whilst the information is coming through, perhaps, I do not know whether it will be contained in the information coming, but can the hon. Member say whether all these incidents of absconding have been within Gibraltar or perhaps some of these looked-after children have even absconded and gone in to Spain?

1790 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot answer that question for certain but I can say that I have not been advised that anyone has absconded across the border. I cannot confirm that for certain but, certainly, I am usually advised when a child absconds and usually given the background, and I have not been informed that anyone has been absconding in Spain.

Hon. J J Netto: Okay, Mr Speaker, we can move on to the next one.

1795

**Elderly Persons
Domiciliary Care**

1800 **Clerk:** Question 288, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say, what is the total number of elderly persons receiving domiciliary care as at the end of February 2012?

1805 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Hon. the Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the number of elderly persons receiving domiciliary care as at the end of February 2012 is 88.

1810 **Hon. J J Netto:** I'm sorry I missed the... How many?

Hon. Miss S J Sacramento: 88.

1815 **Hon. J J Netto:** 88...

Mr Speaker, obviously the figure of 88, which the hon. Lady has just given us, is a figure which is less than the figure than we left of 91 people receiving domiciliary care, as provided by the senior management of the Care Agency to me was 91.

1820 Now, leaving that aside, what I would like to ask the hon. Lady, which is I think much more important than that, is that, given that we have 88 persons who are receiving domiciliary care and given that, last month, the hon. Lady – I think it was last month – was saying in one of her answers to one of my questions that there are elderly people in the community who, I think, were not receiving any help either from the family or from the Care Agency... Shall I give way to the hon. Lady and clarify that before I proceed?

1825 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the answer to that question before me but, as I recall, there were no people in the community, according to our records, receiving no domiciliary care or no help from their family. I am happy to, perhaps, go back and check that but, as I recall the table, there were people who were either assisted by way of domiciliary care, assisted by way of help from their family, or by both – not by neither.

1830 **Hon. J J Netto:** Well, perhaps we would have to look at *Hansard*, but I do think to recall that there were a group of people, that they were not receiving any help, either from the extended family or from the Care Agency...

1835 Given that there has been no increase, perhaps a decrease, as I would think, in the number of people receiving domiciliary care, would it not be the case, perhaps, Mr Speaker, that the Government – obviously she does not hold the financial purse strings – but if, as the hon. Lady said just a while ago, there are so many people waiting for domiciliary care, would she not, having a collegiate Government, as they have, not inform one of her colleagues who has got the purse strings, perhaps, to ask for a bit of more money in order to allow more people to have domiciliary care?

1840 Because, at the end of the day, if there is no spare capacity to attend the needs of these people, either because Mount Alvernia is full right, perhaps help could be given in the community in order to try and give some domiciliary care. So can they undertake that?

Hon. Chief Minister: Mr Speaker, if she does, she'll be pushing at an open door.

1845 **Hon. J J Netto:** I'm sorry, Mr Speaker, I missed that. Will the Hon. Chief Minister repeat that?

Hon. Chief Minister: If she does, Mr Speaker, she will be pushing at an open door.

1850 **Hon. Miss S J Sacramento:** Mr Speaker, in response to the question, first of all, I want to clarify that I am not aware when senior management informed the hon. Member as to the number of people who were receiving domiciliary care previously but, certainly, my information for the purpose of this question is that, before 9th December 2011, the number of people receiving domiciliary care was 79. That is less than the number of people receiving domiciliary care today.

1855 Obviously, Mr Speaker, I have to rely on the information that is provided to me by my senior management, but certainly that is the information that I have received.

What is significant to note, Mr Speaker, is that not only has this new Government increased the number of

people who are now receiving domiciliary care in the last 100 days, but we have also increased the number of hours that are afforded to the elderly, (**A Member:** Hear, hear.) following individual assessment of their needs.

1860 In addition Mr Speaker, elderly people already receiving domiciliary care hours in the community, of which the maximum under the previous administration was only 2 hours a day, have also had their hours reviewed and increased, if necessary, following individual assessment of their needs.

1865 Now, to put this into context, Mr Speaker, the total number of recipients of domiciliary care prior to 9th December 2011 was 79: they were receiving a total of 420.5 hours a week. From the end of February to date, there are now 88 recipients receiving domiciliary care and they are receiving a total number of 530.5 hours a week. Thus, this is an increase of 110 hours per week, a 26.2% increase to what the previous Government was affording. (*Applause*)

1870 **Hon. J J Netto:** Well, Mr Speaker, in relation to that particular point, let me tell the hon. Lady that the same senior management that is giving her the figures gave me the figures that there were 91 persons receiving domiciliary care, but that is not the issue here for debate.

Will the hon. Lady, therefore, not provide me a breakdown of the number of people who are now getting more hours than the 2 hours that was previously the case?

1875 **Hon. S J Sacramento:** Mr Speaker, I fail to see the relevance of that question. I do not have the exact figures of who is receiving more hours and who is receiving domiciliary care that they were not receiving before. I do not have that specific breakdown, Mr Speaker, therefore I am unable to provide it.

1880 **Mr Speaker:** The hon. Lady may not be in a position to provide that specific information but it does have relevance, because it is the point made by the hon. Lady... (*Interjection*) No, the answer was she has not got the information *at hand*, but I have ruled that it is relevant because she did mention the amount of hours.

Hon J J Netto: Therefore –

1885 **Hon. Miss S J Sacramento:** Can you be more specific.

1890 **Hon. J J Netto:** Therefore, I presume she has not got the information there available in front of her, inasmuch as to how many people now are getting more than two hours domiciliary care – I mean, does she have the information there available? No, you have not. Therefore, if I write to her, will she provide me with that information, Mr Speaker?

Hon. Miss S J Sacramento: Yes, absolutely, Mr Speaker. I understood the question as the hon. Member wanting to know who the people were, not the number of people. That is why I questioned the relevance.

1895 Certainly, in terms of the figures, if the hon. Member were to write to me, yes, I am happy to give him a breakdown.

1900 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just for the sake of clarification, can the hon. Member opposite just clarify, if it has increased from 79 to 88 patients receiving domiciliary care, with an extra 120 hours per week on average, what has been done in order to enhance the service? Have more staff been employed?

Hon. Miss S J Sacramento: Mr Speaker, it is a combination of more people receiving domiciliary care and people who were previously receiving domiciliary care receiving more hours of domiciliary care.

1905 Perhaps I can inform the hon. Member opposite that domiciliary care is sub-contracted to a company in the private sector and these hours are then sub-contracted. There is a contract with a company in the private sector; these hours are sub-contracted to them.

1910 **Hon. J J Netto:** Could I ask in relation to the context of what she has just said, whether it is just the continuation of *one* contractor providing that particular service or there are more than one.

Hon. Miss S J Sacramento: At present, Mr Speaker, as I am sure the hon. Member recalls, Government

is tied into a contract with a particular provider in the private sector and it is that contract under which we are working.

1915 **Hon. J J Netto:** Does the hon. Lady know until when the contract lapses?

Hon. Miss S J Sacramento: Yes, Mr Speaker, I do. (*Laughter*)

1920 **Hon. J J Netto:** And would the hon. Lady, perhaps, volunteer, without me having to stand up every 5 seconds, as to when?

Hon. Miss S J Sacramento: Well, Mr Speaker. the contract that the hon. Member entered into with this company expires in 2013.

1925 **Mr Speaker:** The Hon. Damon Bossino.

Hon. Mr D J Bossino: Does the increase in hours result in extra costs to the Government?

1930 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, they have to be paid for.

Hon. D J Bossino: Yes, of course they have to be paid and maybe she can confirm this point. And does she have any information available to announce what that cost amounts to?

1935 **Hon. Miss S J Sacramento:** Well, the hourly rate remains the same, so the number of hours would have to be multiplied by the cost of the service. And the price, under the contract is, I think £12.40-something – it is just over £12, I think.

1940 **Care Agency Board
Meetings since 9th December 2011**

Clerk: Question 289, the Hon. J J Netto.

1945 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state on how many occasions has the Care Agency Board met since 9th December 2011?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

1950 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been no Care Agency Board meetings since 9th December. One is being arranged for 28th March 2012.

1955 **Hon. J J Netto:** Mr Speaker, is the hon. Lady aware that the Care Agency Act, clause 5.2, states the Agency shall meet at least once in every three months?

Hon. Miss S J Sacramento: Yes, Mr Speaker, and I am sure that the hon. Member was also aware of that provision when the last meeting of the Care Agency Board was on 11th April 2011, Mr Speaker. (*Laughter*) There was no meeting in September 2011, nor in December 2011, Mr Speaker.

1960 **Hon. J J Netto:** I certainly don't recall that. I do recall the fact that there was one particular meeting which I could not attend but, obviously, I designated the Chief Executive of the Care Agency to take the meeting for my purposes. I do not know whether she is referring to that particular meeting or not.

1965 **Hon. Miss S J Sacramento:** No, Mr Speaker, the meeting that the hon. Member is referring to – the one that was convened but he did not attend as Chair – was that of April 2011. So, in effect, Mr Speaker, the hon. Member did not attend (*Laughter*) a meeting of the Care Agency Board since 26th January 2011.

Hon. J J Netto: Mr Speaker, can I ask the hon. Lady whether she intends to make the meetings of the Board public, as some of her colleagues have stated?

1970

Hon. Miss S J Sacramento: Mr Speaker, that will be a matter for the Board.

Hon. D A Feetham: Does the hon. Lady not agree with me that, and I don't know what the position was in the time of 'my Government', (*Laughter*) but (*Interjections and laughter*) a little light humour in a sea of...

1975

But does she not agree with me that, to have not done something not in accordance with the Children Act when *we* were in Government does not justify the continuation of the practice now that *they* are in Government?

Hon. Miss S J Sacramento: Mr Speaker, the Children Act does not dictate the meetings of the Care Agency Board.

1980

Hon. D A Feetham: The relevant statute, Mr Speaker. (*Laughter*)

Mr Speaker, the Lady knows exactly what I am referring to. If she wants to give an answer, she can, if she does not want to give the answer, she does not have to.

1985

The question is a serious question. My friend, Mr Netto, has asked her whether there have been any meetings, she has said no, my friend, Mr Netto, has then said, 'Well, are you aware of the fact that the statutory obligation is three months?' She has said 'Yes, and when you were the Minister, there weren't any meetings since April!'

1990

I think it is a serious state of affairs if we are all going to be accepting that we are not going to be compliant with our statutory obligations because of what was past practice. Now I ask her again, does she not agree with me that it is not an excuse not to comply with your statutory obligations simply because there has been non compliance by a previous administration?

1995

Hon. Miss S J Sacramento: Mr Speaker, can I please remind the hon. Member of my original answer, which said that one is being arranged for 28th March 2012. That is within the first quarter of this Government, Mr Speaker, in compliance with the statute.

The fact that the previous administration did *not* comply with its obligations under statute is a matter for them, Mr Speaker, not a matter for this Government. This Government is complying with its statutory obligations and, of course, I agree with the hon. Member that it is important to comply with statutory obligations. (*Applause*)

2000

Hon. D A Feetham: Well, Mr Speaker, unless my maths has really gone awry – and I know that it is quite late on a Friday afternoon – if it is three months, then it should have been done by 9th March not by 28th March.

2005

Hon. G H Licudi: Mr Speaker, there isn't any statutory obligation to have a meeting within three months of a new Government *coming in*. Every three months usually means every quarter of the year, and that is precisely what my Government is doing. (*Prolonged cheering and applause*)

2010

Given that the hon. Member was the Minister for Justice and he refers to it as 'my Government', (*Laughter*) I am the Minister for Justice and other things and, therefore, I believe I have the privilege of calling it my Government as well. (*Laughter*) In those circumstances we are compliant with the statutory obligations.

2015

The hon. Member should be asking *his* colleague why it was that, in the last quarter of last year, before they retired from office – before they were *sacked from office* by Gibraltar – why *they* did not comply with the legislation. (*Applause*)

2020

Hon. D A Feetham: Well, you see, the hon. Gentleman is wrong, I'm afraid. He has intervened and he is wrong.

There is a serious point here, and we will accept, certainly, whatever justifiable criticisms are levelled our way. The statute actually provides, according to my friend, Mr Netto, that it shall be held every three months. Now, if that is the position and the last one was in April, then, of course, there was an obligation to hold one as quickly as possible into your term of Office, not on the 28th! That's not what the statute says.

2025 **Hon. G H Licudi:** Mr Speaker, that is *his* interpretation of the statue, which is wrong, because the statute does not say ‘as quickly as possible as you come into office. (*Interjection by Hon. D A Feetham*) Yes, and had we had a meeting on the 9th December, there would still have been a default of the legislation, because the Act says ‘every 3 months’, the previous meeting was in April of 2011, even if we had had one on the first day in office (**A Member:** Absolutely.) there would still have been a default.

2030 What we have done is decided that there should be – or, rather, the Care Agency has decided that there should be – a meeting every quarter, and the first quarter’s meeting is happening this month, which is within the first three months of this year. That is what is happening.

Hon. D A Feetham: Yes, well, I do not agree with that interpretation, but we’ll leave it there.

Hon. J J Netto: Mr Speaker, can I ask just one more supplementary to the hon. Lady.

2035 The hon. Lady, when I asked her whether she is considering the fact of making the meetings of the Board public, said that would be a matter for the Board. Will she, therefore, take that particular question to the Board, to the next meeting, in order to decide whether they will be making the meeting public or not?

2040 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, as is the policy of this Government and the policy of transparency, which we say did not hitherto exist, not before the 9th December, this is a matter I am happy to take to the Board. However, Mr Speaker, it is a decision that needs to be taken by the Board. It is not a decision that I can take.

Hon. G H Licudi: Mr Speaker, can I add to that.

2045 The hon. Member will be aware that, clearly, the Board will be dealing with sensitive issues, issues relating to care proceedings, issues relating to children and there will be sensitive issues that perhaps ought not to be made public. So, in the consideration of that, those matters will have to be taken into account.

2050 We do not want to make the Board unworkable, but there are sensitive issues that *this* particular Board will have to deal with, which may make the position different to other Boards, but we take on board what the hon. Member has said and, as the hon. Lady has indicated, the matter will be taken to the Board for a decision.

Hon. J J Netto: Yes, I want to –

2055 **Hon. G H Licudi:** Mr Speaker, but I want the hon. Member to understand the sensitivities with this particular Board.

Hon. J J Netto: Yes, Mr Speaker, I do take that into account, in a similar way as it happens with the Health Authority Board.

2060 **Hon. G H Licudi:** This one is generally dealing with children and more sensitivities.

Hon. D A Feetham: We certainly agree that that must be the position, and that must be right.

2065 There are possibly ways of dealing with it, by redacting names, by redacting references to circumstances but, certainly, on this side of the House, if the Government were to decide *not* to publish those minutes, we would not be criticising the Government for not doing so.

2070 **Hon. G H Licudi:** Mr Speaker, I am certainly grateful for that, let me just point out also, it’s not just a question of redacting names in published documents. If the meetings are *in public*, as has been suggested, then the issue of redactions does not apply, the information becomes public and those are sensitivities. I acknowledge that the hon. Member has agreed with those sensitivities.

TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES

2075

**Overnight parking provision
Identification of additional areas**

2080

Clerk: Question 304, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health and Safety and Technical Services advise whether the Government has identified other areas to make available for free overnight parking, other than those provided at the Europort Avenue and Bayside Road car parks?

2085

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2090

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government is presently looking into all parking areas in Gibraltar which are presently being used during the day for a specific purpose, with a view of the possibility of allowing their use by the general public overnight, as was the case with Europa – sorry, with Europort Avenue and Bayside Road car parks: these areas in question were reserved for the specific use of school teachers.

The Government will make this information public if and when areas are found to be suitable.

2095

Hon. D J Bossino: So, presumably at this stage, the answer from the Minister is no.

Hon. P J Balban: Mr Speaker, the answer is that we are actually looking into other areas in Gibraltar. In fact, there are three areas that we are specifically looking into, and until we are sure that they can be used for that purpose, we prefer not to make this information public.

2100

Hon. D J Bossino: The reason why I asked this question, Mr Speaker, is because I have received representations in relation to a specific area in Gibraltar, and there is an interest that a certain location be made available, using a similar regime – nobody wants to consult a regime – which has been implemented in relation to the car parks which have already been freely made available, or released, to the general public during certain hours. This is why I ask the question.

2105

Hon. P J Balban: Mr Speaker, we would be, actually, very grateful if he could have that information and refer it to us so that we actually take that car park area into account as part of the public consultation exercise. That is what it is, public consultation, and if Members across the floor have any suggestions then, by all means, we are happy to take them on board.

2110

Hon. D J Bossino: Now, in relation to the public consultation exercise, once again, I think I have made this point in previous sessions of this House to the Hon. Minister. Can he confirm that it is the consultation exercise which is being carried out by the Government in relation to the major review of traffic?

2115

Hon. P J Balban: That is correct. That is the review of the traffic plan, yes.

Hon. D J Bossino: And given that we are now on 16th March, can the Minister give me an indication as to when he envisages that he will be able to reach a final decision in relation to the various locations?

2120

Hon. P J Balban: I believe there is a Question further on that actually asks about the Traffic Plan and what stage we are at at the moment.

2125

**Devil's Tower Road multi-storey car park
Car exporting businesses**

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

2130 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide the House with details of the arrangements the Government has entered into with car exporting businesses, in connection with the offer of car parking facilities at the Devils Tower Road multi-storey car park?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2135 **Hon. Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government has reached an agreement with Gibraltar based motor car exporters to provide them with space in which to park their vehicles. This is in line with the policy of the new Government to generate revenue from assets which were not producing income before.

2140 Following a study carried out, it was confirmed that the car park at Devil's Tower Road was being under-utilised and it was also confirmed that there was no waiting list for residents of the area wanting to park their cars there. The decision was taken to offer space in the said car park to the Bassadone Group of companies in which to park vehicles destined for export.

2145 This should be seen in the context of both the need to generate income for the Government and also of the delay to the planned Western Beach reclamation progressed under the previous GSD administration in which the Bassadone Group were earmarked a section where their export business could be consolidated, including an area where the company could park their export vehicles. The consequences of the considerable delay in the provision of this parking base at Western Beach is an important factor that the GSLP/Liberal Administration has taken into account throughout the discussions with the company.

2150 The Bassadone Group will make a payment of £150,000 per year for the car parking arrangements. This directly releases land in other parts of Gibraltar which will now be available to the Government for development or for other purposes.

2155 At the same time, the AM Capurro Group contacted the Government in view of also looking for space to park their export vehicles. As a result of the Bassadone Group reducing the space that it occupied in Regal House car park, it was agreed that the AM Capurro Group would occupy an area of this car park in Regal House for their own export parking requirements. They would pay the Government £70,000 per annum in return for this parking facility.

2160 It is important that the Government provides assistance to the companies which are bringing in new business and employing in Gibraltar. It is also particularly important that Gibraltar Car Parks Limited, which is a huge loss-making operation set up by the previous Administration, receives some very much needed income from previously empty car parking space. The deal is, therefore, good for the taxpayer and good for Gibraltar.

2165 **Hon. D J Bossino:** Much of what the Minister has said was previously set out in a press statement, the Government press statement of 154/2012.

Now, what I was getting at, or driving at, in asking this question is more particulars of what specific arrangements have been entered into with the Bassadone Group. Is it a lease arrangement? Is it a licence arrangement? For how long is it expected that the Bassadone Group will be occupying the area at the multi-storey car park? Things of that nature.

2170 **Hon. P J Balban:** Mr Speaker, this is a licence arrangement and it is on a monthly basis.

2175 **Hon. D J Bossino:** I am not too sure how much space is now left in the Devil's Tower Road multi-storey car park, but what is the Government's intention in relation to the usage of that car park in the future? Will it still be used as a park-and-ride, which was *my* Government's intention, (*Laughter*) when it built that construction, or does the Minister envisage that it will be used for different purposes now?

Hon. P J Balban: Well, the car park in question was never used as a park-and-ride facility. It was never up and running, that was the intention but it was never used, it never came to fruition.

2180 As I said, as part of the review we are actually looking at, where we progress... One of our manifesto commitments was, actually, to look at the possibility of building park-and-ride facilities closer to the point of entry to avoid having cars actually come into Gibraltar, and absolutely avoids the problematic Sundial roundabout. It is trying to keep them closer to the frontier area.

2185 **Hon. D J Bossino:** It was the GSD party's intention to use it as a park-and-ride facility – that is why it was built, so that is the whole reason for it.

Now, in terms of progression, can the Minister – I don't think he has answered the question – can he identify whether *that* building is now going to be used as the park-and-ride, or are they going to abandon the former Government's policy in relation to that, in relation to the multi-storey car park?

2190 **Hon. P J Balban:** It is, actually, too early to know, for us to be sure what the final purpose of that car park will be as, again, we are reviewing the whole traffic parking situation in Gibraltar, especially the district parking schemes. Based on that, then we will see whether this will be used as a park-and-ride or not. We still have no concrete plans at the moment.

2195 **Hon. D J Bossino:** Again, in terms of time, does he know when he will have those concrete plans available?

2200 **Hon. P J Balban:** The consultation process and, obviously, the review will take a considerable amount of time. Again, I am not sure how long this will take, but until all that process is finished, I will not be in a position to be able to tell you ideas of timescale.

2205 **Hon. D J Bossino:** With respect, I think the Minister may not have answered accurately. The consultation, as I understand it from his replies in this House on previous occasions, is that the consultation process has, in fact, completed, and what he is now reviewing is the data. So, can he clarify the answer?

Hon. P J Balban: In fact, in my reply to your next question I will be clarifying all these points. It features in our next question.

2210 **Hon. D J Bossino:** Presumably, the reason why the Government has entered into licence arrangements, as opposed to lease arrangements, with the Bassadone Group is that the licence arrangements can be determined, on a monthly basis, at the Government's will?

2215 **Hon. P J Balban:** Yes, obviously, it gives us – and them – enough leeway to be able to continue, or discontinue, the arrangement because, if as part of the traffic plan, we find that the car park needs to be used for another purpose then, obviously, we can discontinue the arrangements and continue to use it for what we intend its use to be.

2220 **Hon. S M Figueras:** Sorry Mr Speaker, staying firmly on the subject of, in respect of the area of, thank you very much.

In respect of the areas relinquished by Bassadone Group, is the Hon. Minister able to provide us with details of those areas?

2225 **Hon. P J Balban:** Yes, the areas which have actually been, have remained vacant is the ex-MOD trailer park, and an area up by the Bufadero.

Hon. S M Figueras: An area up by the Bufadero.

Hon. P J Balban: Yes, up by the Bufadero, where the band... it's the parade area.

2230 **Hon. S M Figueras:** Yes, Mr Speaker, presumably there is an element of leeway in this arrangement obviously because it is a monthly licence but, one would also presume that if, Bassadone in particular, are relinquishing the use of the two areas specified by the Hon. Minister, in the event that the Government should decide that the multi-storey car park should be used for the purpose for which it was originally built, that Bassadone will have a new need for an area in which to store those vehicles which are now in the multi-storey car park. Has there been any discussion with Bassadone in respect of the potential for that difficulty in the future?

2235

Hon. P J Balban: Well, our immediate plans for the car park... As I said, because of the review and the

2240 time it will take, we do not believe that we are going to have an immediate need to use that car park. So our idea was to capitalise on the fact that we have a car park that is not being used much and generate some income from it. Obviously in time, in the, hopefully, not too distant future, the area assigned for Bassadone, which is the Western Beach Reclamation, will be, hopefully, up and running, ready for them to move into. That is the plan.

2245 **Hon. S M Figueras:** Therefore, Mr Speaker, it is not a quantum leap to assume that the Government has no imminent plans for the use of the ex-MOD trailer park or, indeed, that particular area by the Bufadero?

2250 **Hon. P J Balban:** The Government, at the moment, is actually looking at the areas in question, and because land is not something we have a lot of, there are quite a few ideas for the areas in question.

Hon. S M Figueras: I am grateful.

2255 **Traffic Plan public consultation
Findings**

Clerk: Question 306, the Hon D J Bossino.

2260 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services now provide details of the findings arising from the public consultation exercise the Government has carried out in relation to the Traffic Plan?

2265 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Hon. the Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker the Government has now completed the first stage of the public consultation process, although it must be noted that any feedback received at any point during the review, even after said public consultation period, will still be considered.

2270 It is the Government's opinion that the process of consultation needs to be fluid in this respect. All the information collected to date has now been catalogued and, once the full consultation is completed, including feedback, suggestions and comments derived from a user and trip survey, the Government will be in a better position to provide details of the findings.

2275 **Hon. D J Bossino:** I do not quite follow, unless this is some sort of technical jargon, and I have completely missed it... What is the Minister referring to by a user-and-what survey?

2280 **Hon. P J Balban:** Well, as part of the consultation process we will be actually surveying users as to what trips they regularly take, so it's a consultation exercise whereby people are actually surveyed on 'where are you going?', 'for what purpose you have got your mode of transport?', that sort of question. It is a user survey, a transport user survey.

2285 **Hon. D J Bossino:** I see, so you are going to be carrying out some sort of questionnaire which is going to be made available to the public at large? Yes? Is that what the Minister is referring by the 'users'?

2290 **Hon. P J Balban:** That's right, actually see whether we can ascertain why people choose to drive their own cars to work, as opposed to getting public transport or their bicycles, or whatever. It is to see what their customs are, how many people travel in one vehicle. I mean, do they drive with kids to school, even though it is just a ten minute walk away? Really, just to see what people's behaviour is in terms of their transport.

Hon. D J Bossino: Would he describe that as the second stage of the consultation process? The first stage, presumably, was the one that was announced in the press statement issued in January, which allowed a very small window of about two weeks, I think, up to the 30th January, within which people, interested parties –

2295 the Minister will recall the rather controversial issues that arose in the first session of this House, also very late on a Friday afternoon, in fact I think it was almost a Friday night, in relation to that, in relation to the use of that wording by the Minister.

So that would be the first stage. Now the second stage is this questionnaire which is going to be issued by his Department. Would the Minister concur with me that that is a correct analysis of the consultation process?

2300 **Hon. P J Balban:** The actual public consultation exercise is broken down in different stages. Initially, it was a public consultation exercise, which we launched a press release, and obviously people, anyone, could just come in and participate, inclusive of whether they were part of tenants' associations etc. So that was just a general feedback on the public.

2305 After that now, apart from the user trip survey that we are going to be carrying out as well, we are also homing in on more specific organisations, for example we are homing in on tenants' associations, management companies, we will be talking to the Chamber of Commerce, Emergency Services, and other commercial entities that actually use, or have a need to use, our roads for their business. This survey, or this consultation exercise, will cover as many across the board as it is possible to get – a true idea as to what people's requirements are and needs are, before we finally make a decision as to where we are going.

2310 **Hon. D J Bossino:** At what stage does the Minister intend, or does he think he will be able, to consult the entities he has just listed by way of example?

2315 **Hon. P J Balban:** Well as I said at the moment we have actually, we are almost through the different tenants associations. So we have actually seen most of the different tenants associations around Gibraltar, and the management boards of the managing committees, we still have a few more to meet with. Our next stage will be talking to as I said people like the Chamber of Commerce, we have also, the Bus Company, there is obviously bus rides to be included, the Taxi Association, Emergency Services, I have mentioned Emergency Services already, and also Disability Groups because we also want to get an idea as to what other people with different requirements are in need of.

2320 **Hon. D J Bossino:** So if I took a snapshot of the consultation exercise at the moment, you would be saying that it is in train? You are in train, you are actually carrying out the consultation at this present moment in your department.

2325 **Hon. P J Balban:** That is right. The consultation process is very wide and far and, obviously, it is not specific to a certain sector of the community. We want to get as wide a picture as possible, to take most people's accounts into consideration. Obviously not everyone's opinions we will be able to take those into account but we want to get at least as much feedback as possible before we actually launch what will be our traffic and parking and transport plan.

2330 **Hon. D J Bossino:** The Minister, in the last session of the House said, and I quote – and this is really what informed the posing of the question in the terms that it was posed – said:

2335 'Mr Speaker, the data has actually been collated by members of staff',

this is the data collated as a result of, if I can, presumably, call it the first stage of the consultation process

2340 'they are actually preparing a summary spreadsheet of all the findings and once that is finished, which I hope they will be finishing shortly, that will be handed back to me and then I will be in a position to be able to give more specific details of the outcome'

Now, is the Minister at this stage able to provide those specific details – at this stage?

2345 **Hon. P J Balban:** The sheer amount of comments of people that we are receiving would make it impossible for me to actually share all that... Well, I mean I am willing to share a few things, as I said, so you can understand what the comments are because, obviously, there are an immense amount of comments, in all stages. But, in the interim, a few salient comments, as I said, have arisen from the consultation exercise so far, which I am happy to share with Members across the floor.

For example, one of the key problems faced by the general public is the lack of provision of visitor car

2350 parking space within the North District, especially for visitors who need to go and see family members or, even worse still, need to deliver food or even help elderly members of their family. So that is one of the biggest problems that we have, something which has kept on coming back to us. You know, 'I'm going to drop my Mum off at home. I can't stop the car anywhere, and if I do stop my car there, we can get a fine for it!' So that's one of the biggest issues we have seen so far.

2355 Another comment which has been very, very common – a very popular comment – has been the complaints of the lack of regard there has been to the pedestrian, especially along the west pavements in the vicinity of the Trafalgar Interchange because, in the Trafalgar Interchange, if you think about what the traffic interchange is, it might alleviate the flow of traffic but, in terms of pedestrian flow, anyone walking along the west pavement finds it is not a suitable area to cross. You will see people crossing anywhere on the road and there have been lots of complaints regarding that. There is actually no zebra crossing between Ragged Staff Gates all the way up to the Piccadilly Garden Bar.

2360 So these are just some of the comments that we have received. There is loads of feedback and, as I said, this has all been collated now, in spreadsheet format, for us to actually analyse in due course.

2365 **Hon. D J Bossino:** Will the Minister undertake to disclose the information once it is in digestible, if I can put it in those terms, format?

Hon. P J Balban: We won't undertake but we will agree to do so.

2370 **Hon. D J Bossino:** I am grateful for that.

Hon. S M Figueras: Mr Speaker, I would hazard a guess that at least 48% of the users polled, receiving the questionnaire, living outside the city limits, will be rubbing their hands with glee at the prospect of having double the number of car parking spaces at what his Government will hope will be the spectacular Commonwealth Parade Park, for which I will congratulate the Minister for the Environment if it ever comes to fruition.

2375 **A Member:** In due course.

2380 **Hon. S M Figueras:** In due course as I'm sure [*inaudible*], subject of course, Mr Speaker, to geotechnical surveys which have not yet been carried out. (*Laughter*) Unless, of course, the geotechnical surveys have: it doesn't really matter, I am not going to digress any further than that from the point. However, what I would like to ask the Minister... (**A Member:** Question.)

2385 I have been absorbing far too much of preambles in the last few sessions and I am afraid it is rubbing off on me.

Mr Speaker: I hope not! (*Laughter*)

2390 **Hon. D J Bossino:** One question I would ask of the Minister is whether, despite the observations that may be represented to the Government during the consultation process, whether the Government itself has clear views as to what measures or as to a number or examples of measures that it will be taking to alleviate the historic problem of the school run, the first thing in the morning, and all those other perennial issues that the community has faced, despite the huge investment by *my* Government during its time. (*Interjections and laughter*)

2395 **Hon. P J Balban:** Of course we have. We have great ideas for what we want to do and these will be announced. (*Interjection*)

Of course, and we will announce these in due course.

2400 **Hon. D J Bossino:** So the Minister is unable to provide us with any examples of the ideas that you are thinking about at this time.

Hon. P J Balban: That is correct: not at the present.

2405 **Clerk:** Question 307 –

Hon. D J Bossino: Just one final supplementary, if I may, just to confirm a point which I think he dealt with in one of his initial replies. If I, using myself as an example, have or Joe Bloggs out there, has an interest in making further representations and participates in the consultation process, which was open for that window, two weeks, in January 2012, and he wishes to make further representations, given the ‘fluidity’, using his word, of the process, can that individual still make submissions to his Department?

Hon. P J Balban: By all means, it is happening constantly. I mean, just because the consultation period, as such, ended, it does not mean that I don’t receive comments and feedback on a daily basis at the office – by e-mail or even by regular mail.

Hon. D J Bossino: Yes, but can he assure this House, in order to have finality to this process, can he assure this House that work is truly underway in relation to the production of the digestible information, like the spreadsheet information which he agreed to make available to me, which will show the results of, as I understand it, the first stage of that consultation process.

Mr Speaker: I think the Minister did say what the hon. Member is asking. He asked for assurance and ‘truly’ I think is rather pushing it more than need be.

2425 **Hon. D J Bossino:** Well, Mr Speaker –

Mr Speaker: As opposed to ‘not truly’?

2430 **Hon. D J Bossino:** Well, well no. Fine, I will withdraw that if it suggests that he was in any way being mendacious previously. I am not suggesting that.

Mr Speaker: No, no, I know, but I was suggesting that the question need not be put, as it is pushing at the same point.

2435 **Hon. D J Bossino:** I just do not understand... There has to come a point where there has to be finality in terms of receipt of representations from the general public and, in fact, the Government was very clear in its first press statement when they said that they would allow a period of, from issue of the press statement – which, from memory, I think was 15th January – to 30th January, within which representations would be welcomed and received from the public as part of what is *now* being described as the first stage of that public consultation exercise.

2440 What one would expect is that, after 30th January deadline that would be closed and his Department would be carrying out the necessary administrative work in order to produce the summaries spreadsheet which the Government is, at this stage, not able to provide this House or me with. So I am just slightly concerned that the Government is still in receipt of the *data*, if you like, which will result in the spreadsheet information, given the fluidity of which the Minister referred to earlier.

2445 So, all I want is the Minister’s assurance that there will be finality to this and that, at some stage in the not too distant future, which is what he said in the session on 15th February, he *will* be in a position to say ‘Look, my Department has finished the spreadsheet information, the collation, and therefore the production of the spreadsheet information, and it is available.’

2450 **Hon. P J Balban:** It appears as if he is making... there is actually implicit criticism of the civil servants, that they are actually taking too long in doing this. I mean, this is something –

2455 **Hon. D J Bossino:** Will the hon. Gentleman give way? No, it is neither, certainly not explicit – and neither was it intended to be implicit – criticism of anybody. I am just simply trying to address the issue that this cannot continue *ad nauseam* and there has to be finality to this. I just sensed that, given the fact that there was initially finality and now there is fluidity, and collation on the spreadsheet – (*Interjection by Hon. Chief Minister*)

2460 **Hon. P J Balban:** There will be finality on this issue, obviously. When we actually have finalised this then we will give you more information on it. But, I mean, we cannot be pushed to finalise this sooner. What we want to ensure is that this public consultation exercise is what we intend it to be, which is thorough, and takes the time that it needs before we actually take a final decision.

2465 We don't want to rush things, or have to rush things, just in order to be able to present findings.

Hon. S M Figueras: Mr Speaker, on the Hon. the Chief Minister's recommendation, which I refuse to let pass by: in an attempt to define 'soon', are you able to commit to a timeframe within which you expect the process will be finalised and you will be able to publish the findings?

2470 **Hon. Chief Minister:** Mr Speaker the word 'soon' is a word which is to be found in the English Dictionary and has a natural and ordinary meaning. I refer him to the definitions provided by the previous incumbent of the post of Chief Minister, in the past four years. He will find many exchanges in *Hansard* as to what that word means.

2475 **Hon. S M Figueras:** And for the avoidance of doubt, Mr Speaker, is the Hon. the Chief Minister saying that he intends to conduct the business of Chief Minister in the same way as our leader did in his time.

Hon. Chief Minister: No, Mr Speaker, but I intend to continue speaking the same language, which is the one that the hon. Gentleman has asked about.

2480 He has asked for the definition of the word 'soon', and the definition of the word 'soon' is in the dictionary. It is, in fact, a question he therefore cannot ask because there is a published definition and there is, in the lexicon of his party, a definition which I am sure is the one that he believes is the correct one – or is it he is saying that his party defined the word 'soon' in the wrong way?

2485 **Hon. S M Figueras:** Mr Speaker, struggling though the Hon. the Chief Minister may be at this time on a Friday afternoon to understand the context of the question that I asked, to clarify just a little bit further, Mr Speaker, all I wanted to do was to try and define, for the purposes of *this* exercise and in *this* House in *this* particular context what meaning we are going to give to the word 'soon', be it end of March, end of April, end of... If you are unable to do so, Mr Speaker, then you are unable to do so.

2490 **Hon. Chief Minister:** Well, Mr Speaker the word 'soon' has a definition, the words 'end of March' have a definition, 'end of April' have a definition etc. If it had been 'end of March' or 'end of April' then that would have been the answer. The answer is 'soon' and the hon. Gentleman can make up his mind for himself of what that will mean, in effect, in the context of what is happening here this afternoon.

2495 **Hon. S M Figueras:** Mr Speaker, I have the benefit of being one of the newest faces in this House and I am not prone to pushing the matter. I am not prone to pushing the matter any further unnecessarily.

2500 **Mr Speaker:** Thank you

Hon. S M Figueras: It is obvious that the Hon. the Chief Minister does not want to commit his Government to a specific timeframe, but it would be far more helpful for him just to say so.

2505 **Hon. G H Licudi:** Neither did your Government for sixteen years, Mr Speaker.

Hon. Chief Minister: The Hon. the Chief Minister does not want to commit his Government to a different definition of the word 'soon', other than that which is published in the Oxford English Dictionary, which is the one I am happy to adopt.

2510 **Mr Speaker:** I think that – Order! I think we are ready to move to the next Question.

Clerk: Question 307 – (*Interjections*)

Mr Speaker: Order! Order!

2515 The Hon. Damon Bossino.

Hon. D J Bossino: Point of clarification. The word used was 'finish' – or words used were 'finishing shortly'. I don't know whether that changes matters? (*Laughter*)

2520 **Mr Speaker:** Is that any sooner than soon? Next Question, please.

2525 **Traffic network faults and vandalism**
Technical Services audit systems

Clerk: Question 307, the Hon. S M Figueras.

2530 **Hon. S M Figueras:** Can the Minister for Technical Services confirm whether there are any audit systems in place at Technical Services with the purpose of identifying vandalism of, and faults developing throughout, the traffic network?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

2535 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Technical Services has a highways inspection system in place that involves scheduled inspections of our entire road network for any defects and faults. This includes not only roads but also passageways, lanes, footways, as well as bridges, tunnels and any other structures that could be of concern to users of our roads. There is no system, as such, exclusively for vandalism, but any issues arising from this are also picked up as part of the safety inspections.

2540

Hon. D J Bossino: I am grateful to the Hon. Minister. Is he satisfied that the current system of the highways inspections system is appropriate and adequate?

2545 **Hon. P J Balban:** This system is actually what we have inherited at the time. I mean, I have actually been in consultation with the Department: we might have to tweak it slightly but, for the moment in time, I am satisfied – reasonably satisfied – that it can progress.

2550 **Hon. D J Bossino:** I am grateful.

2555 **Factories Inspectors**
Inspections during February 2012 and findings

Clerk: Question 308, the Hon. J J Netto.

2560 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state how many inspections during February 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible contravention has been incurred to the Factories Act or any subsidiary legislation by any private company, a Gibraltar Government workplace or of the MOD and whether legal advice is being sought??

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety, and Technical Services.

2565 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, two inspections on private companies were carried out during the requested period, and both were construction related. No major contraventions to the Factories Act or its subsidiary legislation were identified, and no legal advice had, or has been, sought.

2570 **Hon. J J Netto:** Thank you, Mr Speaker.

2575 **Factories Inspectors**
Investigations of accidents at work during February 2012 and results

Clerk: Question 309, the Hon. J J Netto.

2580 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if any investigation of accidents at work has been carried out in February 2012 by the Factory Inspector, showing the industry group involved, and whether such investigation may have lead to prosecution or to changes to the workplace involved?

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety, and Technical Services.

2585 **Hon. the Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** No, Mr Speaker, no accident investigation has been carried out during the requested period.

2590 **Accidents at work**
Reports during February 2012

Clerk: Question 310, the Hon. J J Netto.

2595 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents at work during February 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

2600 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety, and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, it is premature to provide an answer to this question, as the collating of the notification of accident reports for the month of February has not been completed.

2605

Factories Inspectors
Site Meetings and advice given during January/February 2012

2610 **Clerk:** Question 311, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many site meetings and advice were given to the Factory Inspectors during the months of January and February 2012, broken down by month and by industry group?

2615

Clerk: Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Hon. Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

ANSWER TO QUESTION 311

Month	Site Meetings/Advice	Industry
January	1	Sea Transport and related activities
Total	1	
February	2	Retail
	1	Manufacturer
	2	Sea Transport and related activities
	1	Public Administration
Total	6	

2620

**Prohibition and Improvement Notices
Number issued and reasons during January/February 2012**

Clerk: Question 312, the Hon. J J Netto.

2625

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many Prohibition and Improvement Notices were issued in the month of January and February 2012, if any, broken down by month and industry group, and specifying the reason, or reasons, for issuing the notice in the period which may have brought operations to a halt, until the Inspector was satisfied that the correct standard had been duly complied with?

2630

Clerk: Answer, the Hon. Minister for Traffic, Health and Safety and Technical Services.

2635

Hon. P J Balban: Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

ANSWER TO QUESTION 312

Month	Prohibition Notice	Improvement	Industry
January	1	0	Construction
Total	1	0	
February			
Total	0	0	

The Prohibition Notice in January was served for not complying with certain provisions of the Control of Asbestos at Work Regulations, the Construction (Design, Management, Health, Safety & Welfare) Regulations and the Management of Health & Safety at Work Regulations.

The operations were halted for 3 Days.

2640

Hon. J J Netto: Mr Speaker, at face value at least, what seems to be emerging here is that there is a preponderance by the Factory Inspector to inspect or to carry out most of the work, if not all their time, in terms of the construction industry.

2645

There is very little information that I have been able to gather so far whether time is made available by the Factory Inspector to look to any other industry group or, indeed, in the Government workplace – because it comes under the definition of their involvement – or, indeed, any work place under the Ministry of Defence. Therefore, could the Hon. Minister mention whether, in the nature of the work that the Factory Inspectors are conducting, there is a preponderance just to look at the construction industry or to look at every single industry, including Gibraltar Government and the Ministry of Defence?

2650 **Hon. P J Balban:** The Factories Inspectorate... the problems we have with the Factories Inspectorate, with the Department, is that there are two members of staff, and because of the amount of work required every time there is an accident at work or what have you – especially what happened in the North Mole – a vast amount of their time is actually channelled towards preparing for the case.

Hence this is the problem we have with them but, yes, they do tend to be quite strong in terms of the construction but they also get involved... we have involved them in other aspects... We involved them in the GSLA swimming pool to give us a – (*Interjection*) That was also the other part. They actually went to look at whether it was as a result of an accident. There was no accident involving persons and there was a collapse of the duct system, and they were involved in that, too.

2660 **Hon. J J Netto:** I accept, Mr Speaker, that, obviously, if there is an accident the Factory Inspector, by necessity, they will attend and conduct an investigation, and I am sure they will even have some advice to give to the particular authority and management in that particular place.

I also accept the fact that, by tradition, the Factory Inspector will probably use *most* of their time to the construction industry, which is one of the industries which tends to have, perhaps, more accidents, and their employers seem to cut corners more than other industries.

2665 Having accepted all of that, and acknowledging all of that, nevertheless the picture that seems to be emanating is that there is very little time that the Factory Inspector is dedicating to all the other industry groups and very little time even to workplaces of the Government and the MOD. Is that the case?

Hon. P J Balban: Well, it is even worse than that because of what we inherited... In fact, what the Factory Inspectorate do is they are just a reactive group. They just respond to accidents and reports.

2670 What is completely lacking is the proactive side of things and this is, unfortunately, something which we inherited and also we will be reviewing.

What is another very important part of health and safety is actually by way of education, and practically getting involved with companies, as they set up, to give them advice. That part of things is also missing: this is what we have actually come to discover when we took office.

2675 **Hon. J J Netto:** Mr Speaker, I accept that, but given that in the month of February there were two inspections of the construction industry *only*, and if I remember correctly in the month of January it was a similar situation that the inspection carried was also on the construction industry. Is there not a picture emerging where the only inspection being carried out month after month, after month, after month, despite there being only two Factory Inspectors, is only the construction industry? The point I am making is do they have in their sight, in the months of March, April, May, June, July, as far as inspections are concerned, targeting other industry groups, other workplaces in the Government, other workplaces in the MOD?

2680 In fact, in a very similar vein, in the sense that the construction industry tends to have one of the highest levels of accidents, *probably* – and I am talking from memory now – the second one that has the highest rate of accidents in the workplace is the dry docks. I cannot remember now the companies working down there – dry docks, no, Gibdock... By the very nature of the activity that goes on, it would seem to me, at face value, that they would bring their inspections into that industry group because, by necessity, that is another industry group that requires inspection, so are we going to have a situation emerging where only the construction industry will be inspected?

2690 **Hon. G H Licudi:** Mr Speaker, the practical aspects of the work that is being done at the moment has not changed since 9th December.

2695 The hon. Member has indicated that that is an aspect that is being looked at – and there may be merits in what the hon. Member opposite is saying – that is a matter that has been looked at. But it has not changed since 9th December, so it is exactly the same practice that *his* Government was implementing. It is unfortunate, perhaps, that his Government did not give the same level of importance to Health and Safety issues as *we* were urging when we were in Opposition and which we will provide now that *we* are in Government.

2700 The hon. Member will recall that one of the issues I raised while I was in Opposition was the fact that a vacancy for a Health and Safety Inspector during the course of his Government had been advertised and then removed, as a result of somebody who had retired. On numerous occasions I asked in this House what was happening and, constantly, for many months, possibly even years, I was told the whole position was under

review. The fact is that the practice continues; the fact is that the department was undermanned; and the fact is that the matter is being looked at at the moment, with a view to redressing the situation.

2705 We have been in office... 100 days? 99 days? On Sunday: 100 days. We have done more in 100 days than the previous Government had done in 16 years (*Interjections*) on many matters!

2710 In fact, Mr Speaker, I am very proud to form part of this Government – this young and energetic Government – and hon. Members will have seen (*Applause*) only yesterday that we published a list of all the manifesto commitments that we have done in 100 days. (*Interjections*) Seventy one commitments already carried out! it is the result of tireless, day in, week in, week out, work by this effective and energetic Government. We will continue as we have started and the results will bear fruit. Not only will we see the fruits of these three months, Gibraltar will see the fruits of the next four years and the hon. Members will thank us for it. (*Applause*)

2715 **Hon. J J Netto:** Mr Speaker, I fear that the contribution the Hon. Minister for Justice has just made is a simple smokescreen not to answer my question. My question is a very simple question, which he has not addressed, and the question is whether it is the policy of his Government, in subsequent months to come, that inspection will only be carried out on the construction industry?

2720 That has got nothing to do about vacancies and whether they have done so much in 100 days. The question is, if he wants to address it, or the Minister himself: whether, in months to come, inspections will be just of the construction industry, yes or no?

Hon. P J Balban: No, that is not the policy of the Government.

2725 **Clerk:** That brings us to the end of answers to Oral Questions, and now Answers to Written Questions, the hon. the Chief Minister.

Questions for Written Answer

2730

Hon. Chief Minister: Mr Speaker I have the honour to table the answers to Written Questions numbers W71 to W77/2012, inclusive.

2735

Order of the Day

First and Second Readings

2740

Clerk: Bills: First and Second Readings.

A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011, the Hon. the Chief Minister.

2745

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011 be read a first time.

2750

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supplementary Appropriation (2010/2011) Act 2012... Adjourn? Yes.

Hon. Chief Minister: Mr Speaker, those listening will forgive me – this is the first time that we do this on

2755 this side of the House. I have the honour to move that the House do now adjourn to Thursday, 29th March, at 9.15 a.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 29th March 2012 at 9.15 a.m.

2760 I now put the question, which is that this House do now adjourn to Thursday, 29th March 2012 at 9.15 a.m.

Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 29th March 2012 at 9.15 a.m.

2765

The House adjourned at 7.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 10.05 a.m.

Gibraltar, Thursday, 29th March 2012

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

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

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

Orders of the Day

BILLS FOR FIRST AND SECOND READING

**A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day
of March 2011
Second Reading carried**

1. The Hon. the Chief Minister to move:

The Second Reading of the Supplementary Appropriation (2010/2011) Bill 2012. (B01/12)

5 **Clerk:** The Second Reading of the Supplementary Appropriation (2010/2011) Bill 2012.
The Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time.

10 Hon. Members will note that this Supplementary Appropriation Bill seeks to provide retrospective appropriation cover for additional expenditure incurred in the financial year 31st March... year ended, sorry, 31st March 2011. It therefore represents additional expenditure incurred by the previous administration, which was over and above the £7 million of supplementary funding that was provided for in Head 15 of the approved estimates for that year.

15 Hon. Members will already have seen the statements tabled at the last meeting of Parliament on 15th March 2012, showing how this £7 million of supplementary funding provision was applied. The Supplementary Appropriation cover now being sought, under this Bill, is for further expenditure incurred during the year amounting to £8.5 million under the Consolidated Fund and further expenditure incurred under the Improvement and Development Fund of £9.3 million.

20 Mr Speaker, in view of the fact that this Bill is for retrospective appropriation cover for additional expenditure incurred by the previous administration, and a breakdown of this is included in the explanatory memorandum to the Bill itself, I do not propose to add anything further. However, I invite the Hon. the Leader of the Opposition to provide such further information to this House as he may wish, in support of the supplementary funding, as this relates to additional expenditure incurred during his own time as Chief Minister.

25 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Leader of the Opposition.

30 **Hon. P R Caruana:** Well, Mr Speaker, first of all, as I rise, may I congratulate him for the first occasion on which he substantively moves a Bill in this Parliament, as Leader of the Government side.

As he rightly says, given that this House is approving expenditure that *we* incurred and that, indeed, relates entirely to the, not to the current financial year but, indeed, the financial year before that – the previous financial year – Mr Speaker, he is right in surmising that we would be supporting the Bill, which we are.

35 Mr Speaker, the information, as to the detail of the expenditure, does not need me from the Opposition benches to support, to provide him with information. The Financial Secretary will be able to give him, obviously, as much information as he wants. He is, of course, aware that there is a fair amount of wiggle room and margin available to the Government, as to what moneys from the Supplementary Funding Vote, and from virement, are used, and therefore what elements of expenditure are brought to this House on a Supplementary Appropriation Bill.

40 So, I presume that they have made those selections, in other words which items: I am sure the Financial Secretary has invited him, as he used to invite me, to consider how the existing Supplementary Funding Vote and the virement possibilities should be deployed (*Interjection by Hon. Chief Minister*) and how Department... to what – I'll give way to him in a moment – and to what Heads departmental savings, more particularly, can be deployed. Therefore, there will have been an element of discretion on their part, which matters not because I believe it has always worked that way, as to what items precisely are shown as requiring supplementary funds. But we will be supporting the Bill, the timing of which presumably responds to the fact that there was no meeting of Parliament after the summer last year in which the Supplementary Bill could have been taken, which is when it normally would have been taken – but, anyway, we support the Bill.

50 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merit of the Bill?
The Hon. the Chief Minister.

55 **Hon. Chief Minister:** Mr Speaker, just to make *this* comment, first to acknowledge the congratulations of the hon. Gentleman, and, second, to say that what has happened in respect of this Bill is that we have caused to be re-published the Bill that was published during the time of *his* administration, which was not held over, so any discretions were therefore exercised by the hon. Members opposite at the time that those were available to them, with the Financial Secretary's guidance. And it is, as far as I'm concerned, as far as the

60 Government is concerned, exactly the same Bill that was published, which needs to be passed for the reasons that he is fully aware of.

Mr Speaker: I now put the question, which is that a Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011 be read a second time.

65 Those in favour (**Members:** Aye.); those against. Carried.

Clerk: The Supplementary Appropriation (2010/2011) Act 2012.

A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011

Committee stage and Third Reading agreed

70 **Hon. Chief Minister:** Mr Speaker, I beg to give notice that the Committee stage and the Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

75 **Mr Speaker:** Committee stage and Third Reading will be taken today.

Bill for an Act to amend the Gibraltar Savings Bank Act
First Reading carried

80

2. The Hon. the Chief Minister to move:

85 *A Bill for an Act to amend the Gibraltar Savings Bank Act. (B03/12)*

Clerk: A Bill for an Act to amend the Gibraltar Savings Bank Act.
The Hon. the Chief Minister.

90 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill for an Act to amend the Gibraltar Savings Bank Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Savings Bank Act be read a first time.

95 Those in favour (**Members:** Aye.); those against. Carried.

Clerk: The Gibraltar Savings Bank (Amendment) Act 2012.

100

Bill for an Act to amend the Gibraltar Savings Bank Act
Second Reading carried

Hon. Chief Minister: Mr Speaker, I have the honour to move that the Bill be now read a second time.

105 Mr Speaker, this Bill amends the Gibraltar Savings Bank Act in two ways. Firstly, it clarifies the position regarding the investment of deposits made in the Savings Bank, from the issue of bonds and debentures. And, secondly, it provides for the Financial Secretary to take account of the maturity profile of deposits in the Savings Bank when considering the maturity profile of corresponding investments.

Mr Speaker, as the Act currently stands, under section 7.(1), deposits in the Savings Bank may be made

110 either as ordinary deposits or as investment deposits. However, under section 7A of the Act, deposits can also
be made by investors through the purchase of bonds and debentures. As regards the corresponding investment
of these deposits, the Savings Bank Act, clearly sets out how deposits are to be invested, both in the case of
ordinary accounts, under section 11.(1) of the Act, and in the case of investment accounts, under section 11C
of the Act. However, there is no clear provision in the Act for the investment of deposits made in bonds and
debentures.

115 The new section 11D now being proposed in this Bill, corrects this anomaly by making a clear provision
for the investment of moneys from the issue of bonds and debentures.

120 Mr Speaker, under the existing provisions in section 13.(3) of the Act, all deposits in the Savings Bank
must be invested in cash, or near cash deposits, in terms of protection of their capital value. This restriction
has no longer – sorry, is no longer – considered to be appropriate, in the context of this Government’s
commitment to the expansion of the role of the Gibraltar Savings Bank. It is this Government’s view that, in
directing the investment of deposits in the Savings Bank, the Financial Secretary should take account of the
maturities of such deposits and, where considered appropriate, consider matching those against investments of
corresponding maturities, in order to take advantage of the relatively higher levels of interest that longer term
investments can attract.

125 The existing provision under section 13.(3) is, therefore, being replaced by a new section 13, which does
exactly that, Mr Speaker. It increases the scope available to the Financial Secretary, for the investment of
deposits in the Savings Bank, and provides for the matching of the maturity dates of investments against the
maturity dates of deposits.

130 Mr Speaker, hon. Members should also note that the Government intends to rebuild the reserves of the
Gibraltar Savings Bank and, in this respect, the annual surpluses will henceforth be retained within the
Savings Bank Fund, in order to increase the capital base of the Bank.

I commend the Bill to the House.

135 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles
and merits of the Bill?

The Hon. the Leader of the Opposition.

Hon. P R Caruana: Obligated, Mr Speaker.

140 Well, Mr Speaker, first of all, the hon. Member is wrong when he has just asserted that the present Act
makes no provision for the investment of moneys deriving from bonds and debentures. If he looks at the
existing Gibraltar Savings Bank Act, he will see that section 2 defines the term ‘Deposits in the Savings
Bank’, and that reads,

145 ‘means moneys placed in ordinary and investment deposits under section 7 and all moneys received by the Savings Banks from the
issues of bonds and debentures’.

150 So, moneys received from the issues of bonds and debentures are deemed to be deposits in the Savings
Bank, and therefore are covered by the existing Act, by that provision in it, which deals with how moneys it
deposits, how deposits in the Savings bank, need to be dealt with, particularly by section 13.(3), which is the
one that they are repealing today – one of the ones that they are repealing today, which provides for how those
should be invested. But, anyway Mr Speaker, the Bill purports to repeal section 13.(3) of the existing Act,
which *we* introduced by Act number 15 of 2008. And just for the purposes, if the House will indulge me, of
illustrating my points, I would just like to read, for the purposes of the debate, *Hansard*, what section 13.(3)
that we are repealing by this Bill if it was passed in this form, what that clause says. It says

155 ‘notwithstanding any other provision of this Act the deposits in the Savings Bank, which includes, as I have just illustrated, moneys
from bonds and debentures, and any other moneys of the Savings Bank shall be employed at interest in cash deposits or in such other
manner as the Financial Secretary is satisfied is equivalent thereto in terms of protection of their capital value’.

160 We are repealing that. Therefore, if that is repealed, cash deposits no longer need to be in cash or cash
equivalent. But we are not restoring – the hon. Members are not proposing to restore – the statutory
requirement that there should be a reserve buffer. In other words, we put in section 13.(3) as a counterweight
to the fact that we were removing the section that created the need for a statutory reserve. In other words,
there was a need for a statutory reserve, I think it was 10%. We wanted that statutory reserve to fall into the

165 general reserve of the Government and not sit in the Savings Bank. That reserve was there, principally, as a first buffer against loss of money.

170 Loss of money could only really come from loss of capital value of investment, and we said, right, in order to eliminate the possibility of the event occurring for which the reserve requirement existed – which we are removing – let us eliminate the possibility of the event happening. So we said, now you cannot invest in investments that might suffer a loss in the market, now you can only invest in cash or near cash and in a way where the capital value of it is not at risk.

175 If the hon. Members want to remove that section, which is section 13.(3) that they are repealing, then at the very least they should restore the position in the Act to what it was, when that section was put in and the previous one taken out, which was that they require, that the Bank requires a reserve of 10% of the value of deposits. In effect, what they have done is that they have removed our section providing, as it does, a safeguard for the fact that we removed the need for the reserve. So they have removed the safeguard, without restoring the need for the reserve, which is what we introduced the safeguard for, that they are now removing.

180 Furthermore, Mr Speaker... and, therefore, the hon. Members may wish to consider, if they want to restore, as a matter of policy, the position of the Act as it was before we did the changes in 2008, they should go the whole hog and restore the capital reserve requirement.

185 Further, Mr Speaker, the effect of the removal of section 13.(3) is that, when read with the new section 11D and the permissive nature of new section 13A, it results in several possibilities. We cannot say whether the hon. Members will do it, or not, but certainly it is open to them, in the future, to cause the Bank to make investments that will result in capital loss and it is all very well for the hon. Member to say that there is a section there that requires the financial sector to match maturity dates with deposits, but maturity timings and maturity synchronisation and co-ordination cannot be confused with risk of loss. In other words, you can match your assets and your liabilities as to time, in other words, if you have to pay back £15 million of deposits in December 2013, you want to make sure that you have got £15 million of cash available to do it. So you buy an investment that matures at the same time, or just before, and then you have got your money.

190 But that is maturity synchronisation. Quite separate is the question of whether, in the meantime, your £15 million investment has suffered a loss in the market, because interest rates have gone up and, therefore, the capital value of bonds has gone down and when you come to sell it, it is... unless you match to the redemption date. If you match to the redemption date, that is a different matter because it is redeemed at par, but if you do not, then you might have the.... It is true that most matchings are done against redemption dates. It is possible, by use of hedging and things, to try and match, other than at redemption date, but that would be an unusual transaction to perform. Most matching – conventional matching – is done to redemptions at par and therefore that is less likely to be an issue.

200 The other effect, Mr Speaker, that we think it opens the door to, as the Bill is drafted – and I have in mind the hon. Member's press release recently, which opened with the words – I think you were issuing an accumulator bond or something – and the opening words were something like: pursuant to... the Government's policy of extending the role of the Savings Bank, or words to that effect (*Interjection by Hon. Chief Minister*) – expanding the role... I have that in mind and, of course, one does not know... one does not know, on this side of the House, until the Government has made an announcement about that, what the expanded role of the Savings Bank is and how that will happen. For example, we do not know whether the expanded role of the Savings Bank that they have in mind will extend, or might extend, to actually making commercial or private loans to people. But given the removal of the need to invest the moneys of the Savings Bank in cash or near cash, and in a way that does not jeopardise its capital value, given the removal of that, in juxtaposition with all the other provisions of the Bill and the existing provisions of the Act, the other existing provisions of the existing Act, it leaves it open to the Savings Bank to lend its deposits to Government or Government companies or, indeed, to private-sector borrowers and we are certainly opposed to Savings Bank moneys being used in that way, without investors being very clear that that is what their money is being used for, even though we understand that, of course, the liabilities of the Savings Bank are guaranteed by the Government, because this would be a form of contingent liability.

210 We are in favour of Government participating in a private bank, or in a wider bank in Gibraltar, and we would hope that, at some point, the Government may bring forward a policy initiative of that sort, but we would wish to do it in a way that does *not* expose the Consolidated Fund to unlimited quantities of contingent financial liabilities because that is... in our view, might put at risk the fiscal stability of Gibraltar.

215 So, Mr Speaker, we are doubly surprised by the fact that they have repealed section 13.(2), which is the one that provides for the risk, without restoring the reserve, which was the risk that we are... not least because

220 they have been so heavily critical of that in the past. The hon. Member – I do not remember if he did it
himself, he may well have done, but certainly his erstwhile leader used to, when *he* was Leader of the
Opposition – was highly critical of the fact that we had removed the statutory reserve requirement and yet
225 here is a Bill in which they reverse us, but without going so far as to reversing... putting back what they were
so critical that we removed, which is a further reason why we think this Bill is objectionable, technically for
the reasons that I have expressed, but politically also for the reason that I am now expressing.

So, Mr Speaker, in summary, we will oppose this Bill, unless, of course, the hon. Members feel that there
is merit in anything that I have said, and may wish to reflect upon it prior to the Committee stage, in which
case, of course, we will rethink our position, depending on what they do: it reverses the safeguards that we put
230 in place to remove the reserve requirement, I will not repeat that, but the reversal of a safeguard point, without
restoring the safeguard, it exposes the Gibraltar Savings Bank to the possibility of business which could
reduce the financial stability, both of the Savings Bank and of the Government. It increases the Government's
exposure and it opens the door for Savings Bank money being lent or used by other than in simple investment
placing and, whilst that might not be inappropriate in certain circumstances, we do not believe that this Bill
235 creates with sufficient clarity and transparency the architecture, the statutory architecture, for a widening of
the role of the Savings Bank into any form of lender, other than in the form of simple investment, by placing
money on deposit, or by purchasing with savers' money market investments.

As I say, we are not opposed to the idea of a Gibraltar Savings Bank participation in a wider role. It will
not be the first state-owned bank that deals with business of that sort, but it would have to be much more
transparent and I think it would require more *specific* legislative provision, before this side of the House could
240 support the Savings Bank being used for that purpose, than is contained in this Act at present and even more
so in this Act, as it would remain after amendment in accordance with the terms of this Bill, if it is passed in
this form.

So we regret that we cannot support this Bill for those reasons.

245 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?
The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for the views that he has
expressed to the House.

250 The last thing I said before I sat down was that, as a matter of policy, the Government does intend to
rebuild the reserves of the Gibraltar Savings Bank and, in *that* respect, the annual surpluses will henceforth be
retained within the Savings Bank Fund, in order to increase the capital base of the Bank.

That, Mr Speaker, will have the effect of rebuilding what the hon. Gentleman has called a 'buffer' today,
which was the buffer provided by this requirement in law, before the Amendment Act 2008, that there should
255 be 10% of the capital of the Bank in reserve. The hon. Gentleman is right, this was one of the issues taken in
the debate in 2008, when it was the Leader of the Opposition then, now the Minister for Labour, who was
talking about this 10% buffer. He said at the time that there was no need for such a buffer in law, because of
the other issue that he has alluded to during the course of the debate this morning, namely that the liabilities of
the Bank are already guaranteed *wholly* under the provisions of the law.

260 Mr Speaker, we are taking the view that we do want there to be that buffer, we want it to be there as a
matter of policy but, of course, if we legislate for that buffer today, we would have to transfer funds *into* the
Savings Bank, so as a matter of policy there is agreement across the floor of the House, legislatively we do
not think it is something that can be done today.

265 The amendments that are proposed, in any event, are not intended to give power to the Government. The
hon. Gentleman will see that they are about giving power to the Financial Secretary and it is the Financial
Secretary's discretion that will be relevant, except, of course that, under section 11D, there is a double lock.
The Financial Secretary has to make a determination and there has to be approval from the Government of
what determination it is that the Financial Secretary has considered to be prudent.

270 Mr Speaker, for those reasons, although we hear what the hon. Gentleman says, we are satisfied that there
will not be *any* cause for concern in respect of these amendments, that they will assist –

Hon. P R Caruana: Will the hon. Member give way just before he sits?

Hon. Chief Minister: – in the expansion of the Savings Bank and, before I commend the Bill to the

275 House, I give way to the hon. Gentleman.

Hon. P R Caruana: I am grateful to the hon. Member.

280 So, in effect, what he is telling the House, that he is now relying on the arguments that I used to pass section 15, section 11.(3) which they were very critical of and did not then accept so, at the time, they did not accept it, they were heavily critical of it and now they rely on it to perpetuate the position which I introduced and which they were then very critical of. It is not an elegant position. I do, however, acknowledge that doing what I considered to be the right thing – if that is the view that they are of – which is restoring the position to what it was before I did what they disapproved of at the time... but they disapproved of both what I did and the reasons for doing it. So they cannot now rely on the reasons, whilst reversing what I did! I acknowledge that that would require an injection of capital to restore the capital, the 10% buffer.

285 Of course, they have got to bear in mind that a policy is not the same as a statutory requirement. They also have to bear in mind that, in the current market conditions, particularly when most investments are held in cash, or near cash, and even if they were held in bonds, the market volatility is now so reduced, because interest rates are so statically low, that the scope for capital growth, which is what the reserve... the Gibraltar Savings Bank makes a loss on its *ordinary* activities, because, basically, it pays out a higher rate of interest than it can earn in the market. So, it cannot make enough capital gain to restore that loss, unless it is going to lower the rate of interest very significantly that it pays to bond and account holders. Therefore, the scope for there being surpluses, which, as a matter of policy, they will leave to gradually restore the buffer, is the emperor's clothes – they are not going to materialise. It will be 20 or 30 years before – in current market conditions, anyway, and possibly never, if they do not reverse the high interest rates that it pays against the low... the high interest rate that it pays to depositors, as against the low interest rate that it receives on its investments – it might never return a profit that would build up a reserve.

290 Mr Speaker, I would much rather see the hon. Members... I acknowledge there are, as the hon. Member knows, the hon. Member could easily transfer from the reserves this sum of money but, in any event, if they are not willing to do that as a matter of policy, which is what I would recommend them to do, I would... this Bill is not politically contentious, unless it is for specific reason. We do believe there are specific reasons, Mr Speaker, and I believe that the hon. Members should at least write into this Bill a statutory requirement to restore the reserve to 10% within a certain period of time. In other words, I acknowledge that there may be reasons, particularly in the context of all the things that are going on on the capital projects front, and things of that sort, where the Government may now not want to return 50... I do not know what it would be. I have lost track of the figures of the Savings Bank. I do not know what the amount of the deposits are.

300 We had exempted the Government deposits from reckonability from the reserves, so it is not the Government... The Government and Government company deposits are not reckonable; it is only the external deposits, the savers' deposits. Anyway, it is a sum of money which may be significant. I acknowledge that they might not want to put it in place *overnight*, but I think it would send the correct signal if the Government were to amend this Bill so that it said that the deposit... there must be... by a certain date, which I would suggest should be no more than three years forward from now, the reserves should have been restored to the effect of the old section... I do not remember the old section number. Anyway, the section... I think it was 13... I think it was, in the old Act... No, I do not have a note of the number, but it was 10%. I am almost certain it was 10% by the end of December 2015 or whatever, three years from now is allowing yourselves a margin. Otherwise, Mr Speaker, it will never happen. It will never happen. No Government will have the financial discipline to do it, no Government will feel the need to do it and, in the end, what we are doing is we are operating a Savings Bank in the way we used to before when it would make losses or profits, but in market conditions without the possibility of profit and without a buffer.

310 I can justify that more easily than they can because, of course, I did it. They opposed the dismantlement of that very structure. But not even I was willing to do the position... Not even we were willing to bring about the position that this Bill brings around. (*Interjection*) Well, yes, because we were not concerned with there not being a reserve, provided the funds were not at risk and, provided the funds were not at risk was delivered by section 13.(3), which you are now repealing, so the funds *can* now be at risk, and yet you have not restored the reserve requirements. We said we were only willing to remove the reserve provided that the funds are not at risk.

320 So I just leave it to the hon. Members. If they leave it as it is, then we will not be able to support the Bill and they will have to carry it with their own majority, if they are content with that. Then that is entirely a matter for them.

330 **Hon. Chief Minister:** Mr Speaker, just dealing with those points before I commend the Bill, we do not
share that vision of what will happen in respect of the re-establishment of the reserves of the fund at 10%, or
perhaps even more than that, on the basis of our keeping annual surpluses. The hon. Gentleman knows that we
335 have a different vision of what the expansion of the Savings Bank should be. The effect today is that
transferring 10% might amount to a figure near £30 million. For the reasons that he has alluded to, having to
do that today in respect of capital projects ongoing etc would affect, of course, the net debt and gross debt
ratios and that is not something that we consider to be possible, given the economy that we have inherited.

Mr Speaker, sometimes he needs to understand that a challenge from him, saying that 'this will never
happen', is perhaps more binding on us than even a piece of legislation, so there is the gauntlet!

340 The policy will be to re-establish this reserve. It is not that we are accepting his argument at the time. It is
that part of his argument was always, of course, legally right – and that was never the issue – that there was a
reserve... Excuse me, there was a guarantee in respect of deposits in the Savings Bank – that is already
provided for in the law. His argument was that there was no need for a buffer because of that. He did not go
on to say 'and therefore, in particular, now that we are doing less risky business...' His argument was –
345 *(Interjection by Hon. P R Caruana)* and I have got the debates and I do not see him connecting it in what I
have read of the debates. *(Interjection by Hon. P R Caruana)* He was simply saying there was no need for
such a buffer in a bank which is already wholly guaranteed.

350 So, Mr Speaker, we take the view that this is not something that has to be written into law at this time. We
take the view that it is something that cannot be written into law at this time for the reasons of the amounts
involved. Even writing it into law with a future date, should we be wrong about how quickly it is possible to
re-establish the fund, or should the Bank grow so greatly that 10% might be an even larger figure, it is not
something that, at this stage, we are able to commit to in legislation. But let it be known, Mr Speaker, that him
having said it will never happen is a good reason for us making sure that it does, and I commend the Bill.

355 **Hon. P R Caruana:** Will the hon. Member give way for 30 seconds? I promise not to extend myself very
much further. Thank you. I am obliged to him.

Mr Speaker, of course, the wisdom of having a reserve of 10% and the need of having a reserve as large as
10% depends very much on the nature of the activities that the Bank is going to undertake. For example, if it
is going to lend money at risk, then the need for the reserve is clearly higher than if all it is going to do is buy
360 market investments. So I am not standing on the figure of 10%. The figure of 10% was there. I think it was
always excessive for the way that the Savings Bank used to deal with its money, anyway. There would have
to be a catastrophic market loss really.

365 We reserve judgement. We think the hon. Members are politically wrong in the view that they are taking
but, as for the quantum and the need for a reserve and the quantum of that need, we acknowledge that it
depends a little bit on what they do with the Bank and how they change the role of the Bank and the nature of
the riskiness, or how they deploy the money, either in private lending or in the speculative nature of
investments that they may make with it.

370 **Hon. Chief Minister:** Mr Speaker, in fact, in his speech and reply, the hon. Gentleman said this, which
shows why I think it was disconnected from the types of investments that would be made. He was answering
the then Leader of the Opposition, the Hon. Mr Bossano. There must have been something said across the
floor, because the hon. Gentleman says:

375 'Correct. That is why I told him, during the Budget speech, that actually the need for this reserve, except the fact that the law said it,
the need for it I could not understand. Perhaps it was never really necessary, given that, coupled with the Consolidated Fund, it did
not seem to me to be achieving very much. At least in the sort of times that we are living in now. Perhaps in the 1960s or 1970s,
perhaps in those days the economy of Gibraltar and the finances of Gibraltar were such that that measure might have had a certain
prudence or a certain significance. I think the Leader of the Opposition and I can at least agree, in the current socio-economic make-
up of Gibraltar, that is no longer a necessity. But to the extent that the buffer, as he called it, was there not to protect the depositors,
380 who did not need that buffer to be protected, but to protect the Consolidated Fund from perhaps having to be called upon under the
guarantee.'

385 So that is what he was saying, Mr Speaker. We think that, today, for the reasons I have already indicated,
there is no need for there to be, in legislation, that provision, for all the reasons I have already articulated, and
I therefore now, hopefully, am allowed to commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Savings Bank

Act be read a second time. Those in favour. (**Members:** Aye.) Those against. (**A Member:** Noe.) Carried.

390 **Clerk:** The Gibraltar Savings Bank (Amendment) Act 2012.

395 **Bill for an Act to amend the Gibraltar Savings Bank Act
Committee Stage and Third Reading agreed**

Hon. Chief Minister: 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.

400 **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 the Third Reading will be taken today.

405 **Bill for an Act to amend the Civil Aviation Act 2009
and the Aviation Security (EU Common Rules) Act 2011
First Reading carried**

3. The Hon. the Deputy Chief Minister to move:

410 *A Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation. (B02/12)*

415 **Clerk:** A Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation.
The hon. the Deputy Chief Minister.

420 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011, and related secondary legislation, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011, and related secondary legislation, be read a first time.

425 Those in favour. (**Members:** Aye); those against. Carried.

Clerk: The Aviation (Amendment) Act 2012.

430 **Bill for an Act to amend the Civil Aviation Act 2009
and the Aviation Security (EU Common Rules) Act 2011
Second Reading carried**

435 **Hon. Deputy Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, this is a short and straightforward Bill. It simply amends the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011, as explained in the explanatory memorandum, and related secondary legislation, following the decision of the Government to separate ministerial responsibility for civil aviation from the Transport portfolio.

440 Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

445 The Hon. the Leader of the Opposition.

Hon. P R Caruana: Mr Speaker, we shall be supporting the Bill.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation be read a second time.

450 Those in favour (**Members:** Aye.); those against. Carried.

Clerk: The Aviation (Amendment) Act 2012.

455

**Bill for an Act to amend the Civil Aviation Act 2009
and the Aviation Security (EU Common Rules) Act 2011
Committee Stage and Third Reading agreed**

460

Hon. Deputy Chief Minister: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

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.

465

COMMITTEE STAGE

470

Clerk: Committee Stage and Third Reading, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House should resolve itself into committee to consider the following Bills clause by clause. First, the Supplementary Appropriation (2010/2011) Bill 2012; second, the Gibraltar Savings Bank (Amendment) Bill 2012; and, finally, the Aviation (Amendment) Bill 2012.

475

A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011

480

Clerk: A Bill for an Act to appropriate further sums of money to the service of the year ending on the 31st day of March 2011.

485

Clause 1.

Mr Speaker: Clause 1 stands part of the Bill.

490

Clerk: Clause 2.

Mr Speaker: Clause 2 stands part of the Bill.

Clerk: Clause 3.

495

Mr Speaker: Clause 3 stands part of the Bill.

Clerk: Clause 4.

500 **Mr Speaker:** Clause 4 stands part of the Bill.

Clerk: The schedule.

Mr Speaker: The schedule stands part of the Bill.

505 **Clerk:** The long title.

Mr Speaker: And the long title stands part of the Bill.

510

Bill for an Act to amend the Gibraltar Savings Bank Act

Clerk: A Bill for an Act to amend the Gibraltar Savings Bank Act.
Clause 1.

515 **Mr Speaker:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

520 **Mr Speaker:** Clause 2 stands part of the Bill.

Clerk: The long title.

525 **Mr Speaker:** And the long title stands part of the Bill.

**Bill for an Act to amend the Civil Aviation Act 2009
and the Aviation Security (EU Common Rules) Act 2011**

530 **Clerk:** A Bill for an Act to amend the Civil Aviation Act 2009 and the Aviation Security (EU Common Rules) Act 2011 and related secondary legislation.
Clause 1.

535 **Mr Speaker:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

540 **Mr Speaker:** Clause 2 stands part of the Bill.

Clerk: Clause 3.

Mr Speaker: Clause 3 stands part of the Bill.

545 **Clerk:** Clause 4.

Mr Speaker: Clause 4 stands part of the Bill.

550 **Clerk:** The long title.

Mr Speaker: And the long title stands part of the Bill.

BILLS FOR THIRD READING

555 **Supplementary Appropriation (2010/2011) Bill 2012 passed**
Gibraltar Savings Bank (Amendment) Bill 2012 passed
Aviation (Amendment) Bill 2012 passed

Clerk: The Hon. the Chief Minister.

560 **Hon. Chief Minister:** Mr Speaker, I have the honour to report that the Supplementary Appropriation (2010/2011) Bill 2012, the Gibraltar Savings Bank (Amendment) Bill 2012 and the Aviation (Amendment) Bill 2012 have been considered in committee and agreed to without amendments and I now move that they be read a third time and passed.

565 **Mr Speaker:** I now put the question, which is that the Supplementary Appropriation (2010/2011) Bill 2012, the Gibraltar Savings Bank (Amendment) Bill 2012 and the Aviation (Amendment) Bill 2012 be read a third time and passed.

Those in favour of the Supplementary Appropriation (2010/2011) Bill 2012, (**Members:** Aye.); those against. Carried.

570 Those in favour of the Gibraltar Savings Bank (Amendment) Bill 2012, (**Members:** Aye.); those against. Carried. (*Interjections*) It was carried in any event! (*Interjections*)

Those in favour of the Aviation (Amendment) Bill 2012 (**Members:** Aye.); those against. Carried.

575 **Clerk:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

Mr Speaker: I now propose a question, which is that this House do now adjourn *sine die*.

580 I now put the question, which is that this House do now adjourn *sine die*. Those in favour (**Members:** Aye.); those against. Passed. This House will now adjourn *sine die*.

The House adjourned at 10.05 a.m.