



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Thursday, 17th May 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

PRAYER

Mr Speaker

Order of the Day

Clerk: Meeting of Parliament, Thursday, 17th May 2012.

1. Oath of Allegiance.
2. Confirmation of Minutes: the Minutes of the last meeting of Parliament held on 15th, 16th and 29th March 2012.

Mr Speaker: May I sign the minutes as correct?

It was agreed.

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Mr Speaker: Thank you.
3. Communications from the Chair.

15

**Speaker to retire after eight years in post
Personal Statement**

Mr Speaker: Yes, if I may, with the indulgence of the hon. Members.

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The leaking of a confidential report prepared by the Commissioner of Income Tax on my personal tax affairs, and its publication last week by some elements of the local media, prompts me to make this statement to the hon. Members who have placed me in this Chair.

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While claiming the entitlement to confidentiality afforded by our laws, without exception, to all taxpayers, I cannot allow to remain unchallenged the serious allegation contained in the report which links my personal tax affairs with my position as Speaker. The report alleges that I have, after making a few initial payments, failed to honour an agreement entered into by me with the Commissioner for the settlement of outstanding tax liabilities and that, as a consequence, the Commissioner has seen fit to withhold my parliamentary salary.

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Following the issue by the Commissioner, and acceptance by me, of revised assessments, I entered into a binding agreement with the Commissioner, in terms which I was given to understand are commonly afforded to other taxpayers in similar circumstances for the payment of the amount owed.

Contrary to the misleading impression given by media coverage of the report, I invited the Commissioner from the very outset to apply my parliamentary salary from month to month, after deduction of PAYE, towards the payment of the instalments due from me under that agreement.

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The Income Tax Office duly received *direct* from the Treasury sums representing more than two instalments due from me, but the Income Tax Office, for procedural reasons of its own, which were, for the first time, revealed to me by the Commissioner when I met him yesterday, subsequently terminated that arrangement and replaced it with a direction to the Treasury under section 50 of the Income Tax Act.

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I was made aware of the section 50 direction at the time, but since it reflected the very manner which I myself had indicated as my preference for the performance by me of the agreement, I attached no particular significance to it and readily acquiesced. The undeniable fact is that I did not make those initial payments myself and, therefore, there can be no question of my *ceasing* to make further payments, as alleged.

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This has now been incorrectly portrayed by the Commissioner, in his report, as my failure to honour the agreement, after having made a few initial payments, thus compelling him to withhold my net parliamentary salary. What is more, it is clear from my discussion with the Commissioner on 16th April that some of the figures mentioned in his report are incorrect. These are matters I have taken up with the Commissioner and will continue to address them and other issues arising from the report, as I have in the past on all matters relating to my taxation, with the advice and assistance of my professional accountant, and by engaging directly with the Income Tax Office, and *not* by public pronouncements.

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Sitting in this Chair, however, my first and overriding duty is to facilitate the work of this House, whose servant I am. When I was first appointed Speaker in September 2004 – and upon each successive reappointment – I pledged to uphold the dignity of this august body and that has been my objective throughout the years. However, I am conscious of the fact that there will be my detractors out there who are more interested in my personal tax affairs than in the manner in which I perform my duties here. And that will not do for those who have entrusted me with this Office.

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When the Hon. the Chief Minister invited me to accept reappointment as Speaker following the General Election last December, I expressed the view that eight years is just about the right length of a Speaker's tenure, as providing a degree of continuity but ensuring that the Office does not become too closely identified with its incumbent.

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The events of recent weeks have crystallised that belief in my mind and I have come to the conclusion that, as I approach the eighth anniversary of my appointment, I ought to prepare to relinquish this distinguished Office.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, by your leave.

Mr Speaker: The Hon. the Chief Minister.

65 **Hon. Chief Minister:** Mr Speaker, the Government can make no comment whatsoever in respect of matters related to your tax affairs, which you have referred to now, other than to agree with you the importance of confidentiality in respect of *all taxpayers'* affairs and the need to determine how confidential information relating to one such taxpayer, namely yourself, has been made available to the media.

70 Mr Speaker, you were appointed by us, as Government, for the third time, on the second occasion that you enjoyed our support, because we considered, as I told this House, that you had discharged your functions as Speaker, after your initial appointment without our support, with fairness in dealing with all parties who were before you in this place.

75 I said then, Mr Speaker, that you had, in my view and in the view of the Government, pleased and displeased Members on both sides of the House in equal measure and I could think of no better qualification for an appointee holding your Office. I said then, and I repeat, that I was always very grateful, personally, for how you had dealt with some of the cruellest moments of the last Parliament, which had included me.

80 Mr Speaker, it is in that context when I approached you for appointment, that you indicated to me, as you have now publicly, that you believe that eight years was the right period of time to hold that silent, brooding presence that is incumbent on the Office of Speaker, and that you believe that, having bedded down the new Government, eight years would be the period after which I should, on behalf of the Government, start consulting on who should take your post. In those circumstances, Mr Speaker, I am grateful for your indication today, so that the Government and Members of the House opposite are aware by when we will have to have determined who will be taking your post.

85 Thank you.

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

90 **Hon. P R Caruana:** Mr Speaker, I am grateful for your indication, as are the Hon. Members on this side of the House – for Mr Speaker's indication of his intention to stand down, in the context of the eighth anniversary of his accession to the Chair.

95 I sincerely hope... Well, I should add, of course, Mr Speaker, you are not an employee of the Government, you are not accountable to the executive, except as a taxpayer. In your capacity and in respect of your functions as Speaker, you are accountable to this House and not to the Government, or to its Chief Minister, and I sincerely hope that, to the extent that Mr Speaker asserts, and until the contrary is demonstrated – if it is capable of being demonstrated – I accept what you have said, solemnly from the Chair about the facts that have entered into the public domain. In those circumstances, I sincerely hope that the Speaker of this House has not to any degree been forced to consider his position, or even the timing of his standing down, by reference to mischievously leaked confidential documents.

100 I *accept* your assurance implicit in what you have said, that that is not the case and I sincerely hope that commentators outside of this House will not, contrary to what you have said and what both sides of the House, having heard the Chief Minister, appear to accept, I hope that nobody outside of this House will mischievously make the link between the two events.

105 I have said that Mr Speaker is the servant of this House; and I believe that, regardless of Mr Speaker's tax affairs, whether they would, or would not, have raised issues about the appropriateness of him carrying on in this Chair, I think that there are issues which are thrown up by this matter which this House – not the Government – needs to look into.

110 This House needs to be absolutely satisfied that there has been no degree of political or administrative – in other words, no degree of executive in its two branches – behaviour designed to bring about a particular result with a servant of this House. And I believe that, frankly, for the Government itself to call an enquiry into the leaking of a report, a report which can only have been leaked either by a civil servant in the Income Tax Office, by a civil servant in the Office of the Chief Minister to whom the report was sent or, for the sake of equanimity, by the Chief Minister or by somebody to whom the Chief Minister gave a copy – it cannot be anybody else: one of those four must be the source of the leak! – I believe that that is a *very* serious matter which needs a degree of *independent* parliamentary enquiry and investigation and *not* an investigation by the
115 very institution that has to account and explain and justify and demonstrate that *its* fingerprints are not on this

matter.

Therefore I, on behalf of the Opposition Members of this House, call now for a parliamentary investigation of the circumstances in which, not just this document was leaked, but the circumstances and timing of its creation, and the circumstances and timing of its leaking into the public domain. (*Applause*)

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Mr Speaker: I am not sure I should allow a debate on this matter.

I have made a communication from the Chair. I have given both sides the opportunity to express their thoughts.

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If the Hon. the Chief Minister wishes to add anything without going into the debate of the matter, of course I will allow him to say it.

Hon. Chief Minister: Mr Speaker, the Hon. the Leader of the Opposition has strayed from dealing with the issues that you have raised in this House into making what can only be seen to be imputations, if not allegations, about manners in which reports may have been leaked to the press, which he has seen fit to personify, potentially including me as the holder of the Office of Chief Minister.

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I think it is incumbent upon me to put on the record straightaway that there is absolutely no question of my, or my office, having been involved in leaking any documentation and hence why I agreed with you, in the context of the first phrase that you uttered, that the Government considers it to be as important as you consider it to be, to get to the bottom of how it was that the confidential information that related to you as a taxpayer was, or came to be, leaked to the press. And that will, of course, include *when* it was leaked to the press, which is the issue as to timing.

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In those circumstances, Mr Speaker, the Government is satisfied that what it is going to do to determine how that breach of confidentiality came about will enable us to be satisfied as to the source of the leak, and the timing of the leak, and that the histrionics from the hon. Gentleman opposite are just designed to try and make a political point when none was due.

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Mr Speaker: I think we have to leave the further debate on the matter to a proper motion.

Anyway, I am grateful to the Hon. the Chief Minister and to the Leader of the Opposition for the kind words expressed and for the understanding they have both shown to my position. We shall proceed with the remainder of the business.

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

First, the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2011; and, second, the Gibraltar Annual Policing Plan for the year 2012 to 2013.

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Mr Speaker: Ordered to lie.

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

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Minister for Tourism, Transport and the Port (Hon. N F Costa): Mr Speaker, I have the honour to lay on the table the following accounts.

The reports of the Principal Auditor on the Accounts of the Gibraltar Port Authority for the financial years ended 31st March 2007, 31st March 2008, and 31st March 2009.

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Mr Speaker: Ordered to lie.

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I have the honour to lie on the table the report of an audited – Sorry... (*Interjection*)

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I will ignore those comments. The audited accounts on the Gibraltar Electricity Authority for the year ended 31st March 2011.

Mr Speaker: Ordered to lie.

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And I have the honour to report that, in accordance with Standing Order 12(3), the report of the Principal Auditor on the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2011 has been submitted to Parliament and I now rule that it has been laid on the table.

I should also take this opportunity to record that the draft Estimates required by the Constitution to be laid before the House not later than 30th April of this year were duly delivered to the Clerk before the end of April and that they are now deemed to have been properly laid before the House.

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Clerk: 7. Reports of Committees.

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Questions for Oral Answer

Clerk: 8. Answers to Oral Questions.

195

TOURISM, PUBLIC TRANSPORT AND THE PORT

Maintenance of Gibraltar's beaches Long-term policy

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Clerk: Question 343 of 2012, the Hon. S M. Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Tourism indicate to this House its policy in respect of the long-term maintenance of Gibraltar's beaches, particularly those affected by severe weather during the off season?

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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 Government is considering its policy on the long-term maintenance of the beaches. I will make this public once this has been determined.

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The Government's Technical Services Department is currently developing schemes to provide protection to those beaches that have historically been subjected to storm wave action. These schemes will vary depending on location and, until detailed engineering assessments are completed, it will not be possible to advise conclusively on what is planned.

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However, by way of an indication, at Sandy Bay consideration is being given to the construction of an underwater breakwater, which will reduce wave action reaching the shoreline whilst, at the same time, helping to retain the sand.

At Catalan Bay a similar project is being considered, although the addition of groins is also a possibility.

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No works are currently envisaged at Eastern Beach, as this has been stable for a number of years, ever since groins were constructed in 1992.

At Camp Bay, the extension of the existing groin and the provision of an additional groin are being looked into, with a view to increasing the size of the beach.

225 **Hon. S M Figueras:** Mr Speaker, I am grateful for the answer to the question.

I wonder whether, perhaps, the Minister could provide any further details in respect of Sandy Bay for the bathing season which is imminent and upon us in a few weeks' time: is there any intention – though I suspect it is late in the day – to replenish the beach at all? Is there a need? Has the Minister been able to identify whether there is a need for that?

230 **Hon. N F Costa:** Yes, there will be.

There has been a lot of loss of sand during this last year. As you know, the previous administration did replenish the beach at quite considerable cost but, because of the absence of any groin or any other facilities stopping the sand from being taken away from the beach, there has been a considerable loss but the public will certainly be able to access the beach. Works are currently being conducted, or will start, next week in order to facilitate that.

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

240 In relation to the other projects – the underwater breakwaters, which we understand certainly from this side of the House will incur considerable costs – is the Minister able to give any indication in respect of the timelines that we are looking at in respect of these measures and any costs at all, any ideas that the technical officers might have given them?

245 **Hon. N F Costa:** Well, Mr Speaker, as I said in the original answer, the scheme will vary depending on the engineering assessment, but works could possibly start after, of course, the official bathing season is over, which will be October.

In terms of costs, I am still waiting for a detailed analysis on that.

250 **Hon. S M Figueras:** I am grateful.

Tourism policy New ideas being formulated

255 **Clerk:** Question 344. The Hon. D J Bossino.

260 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the new ideas it is formulating in the context of Gibraltar's tourism policy?

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

265 **Minister for Tourism, Public Transport and the Port (Hon. N. Costa):** Yes, Mr Speaker.

The Government is engaged in considering tourism in the short and the medium-term but also, of course, having to bear in mind the long-term interests of Gibraltar.

270 The Government has, initially, two short-term priorities in the context of the tourism industry: firstly, to invest in badly needed improvements to the visitor attractions in the Upper Rock, some of which have been very sorely neglected for very many years; secondly, to improve as quickly as possible the manner in which Gibraltar is marketed as a tourism destination and the methods employed to market Gibraltar.

275 As the hon. Member is aware, my Ministry and the Gibraltar Tourist Board are currently involved in consultation and feedback with the industry at large. The hon. Member will also have read in the press that we have decided to hold monthly meetings of the Tourism Advisory Council. In addition, teams lead by my colleagues, the Hon. Dr John Cortes and the Hon. Mr Steven Linares, are assisting in formulating policies that this Government can develop, thus reflecting the importance the Government is attaching to the tourism industry.

The hon. Member is also aware of the inter-ministerial committee of the Ministries of the Environment, Heritage, Culture and Tourism, where the Government is engaged in formulating ideas that develop tourism in an environmentally friendly and heritage sensitive manner. I personally have, over the last five months, engaged in very intense one-to-one stakeholder engagements. As and when the new initiatives are finalised

280 and implementation started, the Government will be delighted to provide details to this House and to the hon. Gentleman in particular.

285 **Hon. D J Bossino:** Yes, can the Minister give an indication as to when he will be able to make such a statement?

Hon. N F Costa: Mr Speaker, my Ministry is working to be able to unveil some of our policy initiatives during the Budget session.

290 **Hon. D J Bossino:** In relation to marketing – a reference was made by the Minister to marketing – he said... he is quoted as having said in the *Gibraltar Chronicle* of 25th April that the new Government, which is really what prompted this question,

‘ the new Government is currently formulating new ideas and marketing new ideas.’

295 That suggests that the marketing of those new ideas is already in train. But is that still at the planning stage? Can he clarify what the situation is in relation specifically to marketing?

Hon. N F Costa: Yes, Mr Speaker. It gives me the opportunity to explain the position the Government is at in respect to marketing.

300 The Tourism Advisory Council will be reporting back at the next meeting – which I think is scheduled for next week – with their ideas and recommendations on how best to market Gibraltar, what methods to employ and whom to target, in other words to be able to assist Government to develop a general policy as to how we achieve that.

305 I personally have met with two companies and two entities that have provided to the Government ideas on the website platform that could be used by the Gibraltar Tourist Board in marketing Gibraltar.

As the hon. Member is aware now, with new technology there are very interactive websites, there is the use of podcasts and so on, and whereas I have seen two websites in particular, we are in discussions with those entities in order to decide which one would provide the best platform for the Gibraltar Tourist Board to be able to sell Gibraltar as a vibrant city etc.

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Hon. D J Bossino: This is just by way of a short preamble to the question I am going to ask now: I just want to congratulate the Minister and the Government generally that it is giving tourism the priority it deserves – certainly our policy when we were in government – and I sincerely hope, for Gibraltar Plc’s sake, that you are able to harness the clear success story that Gibraltar, the running of our tourism policy when we were in government, was a result of.

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So, in relation, by way of supplementary, can I ask the Minister, who comprises... who are the members of the... is it the Tourism Advisory Council? Who are the members? Can you advise us who they are?

Hon. N F Costa: Yes, Mr Speaker.

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In the first place, I am afraid that I cannot accept the premise of the hon. Gentleman to say that we are simply continuing the ‘success story’ of the GSD.

The Tourism Advisory Council is comprised of various people, representatives of the Caleta Hotel, Bland Group International, the Taxi Association, Gibraltar Museum, the Queens Hotel, the Gibraltar Federation of Small Businesses, and the Chamber of Commerce.

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And the reason why I do not accept the premise to the hon Gentleman’s question is because all but one of the members of this Tourism Advisory Council started their introductions by saying ‘not enough priority has been given to tourism in the past 15 years; none of the recommendations have ever been acted on; something actually *must* come out of these committee meetings, because they never did before; the product was undervalued; nothing seems to get done...’ – so I cannot accept his premise.

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335 **Consultation on Upper Rock**
Submissions and views relative to tourism

Clerk: Question 345, the Hon. D J Bossino.

340 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port provide details of the submissions and views received in relation to the consultation exercise recently undertaken in connection with the Upper Rock as are relevant to tourism?

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

345 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.
The administrative process on the consultation exercise is being taken by the Department of the Environment.

350 The Department has received a total of 19 submissions as part of the Upper Rock consultation. The process is still in progress and the next step is that a paper will now be prepared by the Department of the Environment, based on the submissions received for discussion with the contributors before a strategy is actually developed.

355 Specific details on the submissions in relation to tourism cannot be provided at this stage, due to the commercial sensitivity of some of the submissions – in fact, an issue that has been raised by some of the contributors themselves and which the Government must accept, of course, at this stage.

355 But I can tell the hon. Gentleman that the views received are very varied and they relate to all of the aspects of the Upper Rock and the management of the Rock Nature Reserve, such as the management of the Barbary macaques, the conservation of wild flora and fauna, improving the main tourist sites in the Upper Rock and issues common to residents of the Upper Rock.

360 **Hon. D J Bossino:** Do the submissions cover... can the Minister, Mr Speaker, clarify this, do any of the submissions received cover the issue of the access by taxi drivers for the Upper Rock?

365 **Hon. Dr J E Cortes:** Mr Speaker, if I may, as this is something that is being dealt with by my Department, there has been a submission by the Taxi Association to the report, so obviously that is one of the aspects that is going to be considered; but they did make representations.

370 **Hon. D J Bossino:** Now, there is a point of clarification which I would like to seek from the Minister, who I am questioning at the moment, Mr Speaker, but I must admit that it was the quote in the *Chronicle* was attributed to the Hon. the Minister for the Environment, where he says, if the House would permit me:

‘It is not just the tourists that need to be looked after’

and this is in relation to the Upper Rock,

375 ‘but locals and workers too.’

The Minister explains that:

380 ‘We are going to be very careful to ensure that anybody who relies largely on the Upper Rock for their livelihood will be able to continue to do so. That is very important, but we have to do it in such a way that does not conflict with the amenity value for other users. It is quite a challenge.’

And then he makes another reference to the amenity value where he says:

385 ‘Like many other nature reserves and protected areas in the world, the number of visitors to these sites can result in unwanted side effects, such as the pollution and excessive wear and tear. Many of these sites now restrict the number of visitors allowed with regards enforcing a restriction in the Upper Rock.’

390 The Minister said:

'There must be a maximum number of potential visitors, but I do not think we are necessarily there yet. I think what we have to do is manage it in a way which does not conflict with the amenity value of the Upper Rock.'

395 And the question, by way of supplementary, Mr Speaker, is what the Minister means by the 'amenity value'?

Hon. Dr J E Cortes: Mr Speaker, its value as an amenity. How does one define an amenity? I can probably look it up on my iPad.

400 An amenity, I would have thought, is something that people use and enjoy, so its amenity value is its value as an amenity. I do not really see what the questioner is alluding to. Perhaps he would like to clarify?

Hon. D J Bossino: What interest is he putting into the balance?

405 **Hon. Dr J E Cortes:** Sorry, could you repeat that?

Hon. D J Bossino: What interest is he putting into the balance?

410 **Hon. Dr J E Cortes:** At the moment what we are doing is looking at all the representations and the exercise is ongoing. It is a challenge and I have used the word 'challenge' on a number of occasions because the management of a nature reserve which is accessed by tourists is a challenge throughout the world.

It is a challenge, Mr Speaker, that I think that we are certainly up to, but I cannot predict what the outcome is going to be. So I do not really think I can say anything. When the report is actually published, then obviously we can discuss it then.

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Hon. D J Bossino: So, clearly, the Government at this stage does not have a policy or a view or, indeed, even a preliminary view as a result of reviewing the data received in connection with the consultation exercise. Is that correct?

420 **Hon. N F Costa:** Well...

Hon. Dr J E Cortes: A consultation is a consultation in order to form a view. You cannot have the conclusion before you have given due consideration because if you have the conclusion already, then the process is not valid. So we are open to discuss and see what comes out at the end.

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Hon. N F Costa: Merely to add, Mr Speaker, that the proposals that have been submitted, some of them are actually quite detailed, and the deadline for submission was the 4th of this month. So we have just recently received them. So, of course, we need some time to analyse them before we can present the policy of the Government.

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Hon. P R Caruana: Mr Speaker, would the hon. Members concede, and I accept in part the point made by the Hon. Dr Cortes that there is no point holding a consultation process if you are firmly committed, or firmly entrenched, in a particular view or a particular objective.

435 Would he not agree with me that it is not correct to suggest that those who consult *others* to seek their views are required not to have a view of their own? The Government must have a view of its own. It may *rightly* and with every good governance justification have decided to test other people's views to see to what extent other people's views may cause the Government to modify its own, but the Government *surely* does not think that it is the only party in Gibraltar who should not have a view on an important matter affecting the public interest of Gibraltar.

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So I think it is just as well... I mean this is something about which the Government has said things in their manifesto. The Government *clearly* have a view that they do not want to *impose* their view without seeking the views of others, to see to what extent they can be accommodated as well, or instead, may well be true, but they must have a view of their own. Otherwise, does he not agree that they would be in dereliction of the Government's duty to *have a view*, albeit subject to the views of others?

445 **Hon. Chief Minister:** Mr Speaker, there is no duty to have a view, but I take the hon. Gentleman's point that the Government, if it is embarked on a course of consultation, is embarked on a course of consultation because clearly it is an area of policy that the Government wishes to develop its *own* thinking on; but, of course, the Government has views on issues on which it goes out to consultation.

450 But the hon. Gentleman alluded to the reasons why we do not want to be labouring our own views, in saying that the Government does not want to impose its views and, therefore, goes out to consultation to see what it is that either members of the public, or a particular sector or [*inaudible*] interest, views (*Interjection by Hon. P Caruana*) believe on a particular subject and then, at the end of that period, taking its initial view in the context of the replies in the consultation, will reach a *final* view.

455 I think, Mr Speaker, what we are saying and I think it is an issue that we have had a ding-dong across the floor of the House in relation to other matters on before is that when we were the party contesting the General Election – much as they were and then the other party – we put our views in our manifesto, or we have put our views in public statements, but when we engage in the process of consultation we think it is prudent, from that point on, to say, 'Well, look, we have said what we have said on the subject, but we are now consulting and we do not want, as Government, to belabour that view.'

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Hon. P R Caruana: Alright, Mr Speaker. Fine, I can accept in greater part that answer and the previous one, but that, he has to acknowledge, is a different answer to the one that the Hon. Mr Cortes made.

465 Nor do I think good governance requires, would he accept, the Government to commit *not* to impose its view. There may be circumstances in which the Government is *entitled*... Indeed, I think the Government, if it has a majority in parliament, is always *entitled* to impose its view. The question is not... Consultation is not surely so that the Government does not impose its view; it is so it does not impose its view without, first, having had the benefit of other's views to see to what extent those may influence the Government's view. But the Government is always free, in a democracy, to do as its manifesto says, or as its policy suggests, if they are not persuaded by the views of consultees in the consultation process. That is the normal process of democratic government.

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I am not challenging the propriety; indeed, I applaud them going out to consultation on this matter. I was just challenging the odd sounding assertion by a Minister of a Government, in *any* democracy that, notwithstanding all of that, the Government does not have a view. That struck me as not sounding right, not being right. It may be that Dr Cortes did not mean it precisely in those ways, but that is what he said and I think it has now been clarified.

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Hon. Chief Minister: Mr Speaker, I am grateful.

480 I do not think that there is a difference between what Dr Cortes said, taken in good faith on what I said, although perhaps if you were looking at it semantically you could in cross-examination suggest that there was.

But, Mr Speaker, I think that the difference is this: a consultation is not a referendum.

485 If the Government goes out and puts an issue to referendum, it is saying that it will be bound by the views of the plebiscite in respect of that particular question. In the consultation, the Government is asking for those who are interested, either the general public or those who care to write in, or a particular sector, what their views are on a particular issue. There are two ways of doing that and I do not think doing it in one way or another affects the 'good government' sense in which it is done.

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The Government can issue a consultation paper that says, 'The Government believes that this should be done and it should be done for this reason and in this way. What do *you* think?' Or the Government could simply say, 'The Government believes that this is an area that needs tackling. How do you believe it should be tackled?' Now, of course, in the lead-up to that consultation and since it has been done in [*inaudible*] the Government will have said in public statements, as a political party or as a Government, or as an Opposition – if there has been the reversal of roles which there has been in the past six months – what it believes on an issue. It does not mean that it has, as part of the consultation, to re-state that, in my view, and I think that we agree that those issues do not go to good government. What goes through to good government is that, in certain particular areas, one should be prepared to consult. But good government in the loose sense of the word good government and not in the constitutional sense of good Government which has completely different implications, and I think the hon. Gentleman would agree with me that what we are talking about here is how one is *disposed* to govern, rather than whether one is *engaged* in good government in the constitutional sense.

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500 **Hon. P R Caruana:** Well, Mr Speaker, I do not want to labour this point too much, although I think it has interest beyond the question of the Upper Rock and its management future.

505 In the first place, Mr Speaker, I do not agree with what the hon. Member said in the opening of his statement just there. The Government cannot say things in its manifesto and its public statements which reflect its views, have views and then, when asked in this House what those views are, the Minister stands up and says, 'The Government has no view because that would be wrong, because we have started a consultation' – which was the essence of Dr Cortes's question, which is why I stood up. Otherwise, I was not just going to stand up about the Upper Rock. It was about the nature of the answer, if it had been applied to any other subject matter.

510 Mr Speaker, and then I do not agree, either, with what the hon. Member said latterly. Would he not accept that *most* consultations by Governments do not take the form of, for example, 'The Government thinks something needs to be done about the Upper Rock. What do you think, o citizen? How do you think, o citizen, it should be done?'

515 Most governmental consultation processes, particularly those they envisage may culminate in legislation, *set out*, for the purposes of the consultation, what the Government's thinking on the matter is, what the Government's *tentative* proposals are, and asks consultees to comment on those and on any other aspect different, in support, opposing, proposing alterations. They do not send the consultee a blank piece of paper, saying, 'What do you think should happen in the Upper Rock?'

520 So I do not accept and I do not want to spend all morning – unless *he* does – debating this. I mean, consultation is good. (*Interjections*) Any form of consultation is better than *no* form of consultation...

There is no point Dr Cortes shaking his head to people in the Gallery, which, by the way, is in serious breach of parliamentary procedure (*Interjections*) but, Mr Speaker, these are –

525 **Hon. Dr J E Cortes:** Mr Speaker, I was not shaking my head at anybody in the Gallery. I was shaking my head and then looked towards the Gallery. If he were to have noted the sequence of events –

Hon. P R Caruana: So only the word 'at' was wrong?

Hon. Dr J E Cortes: I was not shaking my head at the Gallery, Mr Speaker. I am –

530 **Mr Speaker:** I have to accept that, as long as there was no intention to communicate with anyone in the Gallery. I have to accept that. No, shaking of head must entail looking in that direction and that direction...

535 **Hon. Dr J E Cortes:** Mr Speaker, my head was heading in the direction of my colleague, Mr Linares, and therefore the angle of vision may have crossed. (*Laughter and interjections*)

Mr Speaker: I think we need not dwell on that much longer!
The Hon. the Leader of the Opposition. Has he finished?

540 **Hon. Chief Minister:** I must say I think I prefer the hon. Gentleman angry, rather than merry, because (*Laughter*) we get through it more quickly when he is angry than when he is funny.

Mr Speaker, of course there is a technical point and I do not think we do need to labour this. This is not the Government's manifesto. It is the political party's manifesto and that political party then becomes the Government and even if the incumbent Government has a manifesto, when it issues a manifesto it is *the party's* manifesto and that is what they are saying.

545 But, look, I agree with him. It is not that the Government simply turns round and says *in vacuo*, 'Oh, something needs to be done about the Upper Rock. What shall we do about it? Ask the public.' The Government is elected to run Gibraltar and to bring those views, which have put it into Government to bear on those matters on which it has expressed those views. Of course, we agree with that; but I think the point is simply this, that, in the process of the consultation although there will be discussions and in those discussions with sectorial interest groups, if you are dealing with three or four and they are meeting with the Minister and the Minister is going to be giving his views, we do not think that the right approach on *every* occasion is to put out there, 'The Government believes that *this* is what has to be done. How do you want to influence that?' Although it may be in some instances that that is the way to proceed with a consultation and we will do that in some particular instances.

550

555 Look, I think the interesting aspect of this – I do not even want to call it ‘debate’, because it is Question
Time – but the interesting aspect of this exchange is that we agree that consultation is a good thing, that we
believe that consultation in one form or another, in all its different forms, is the right approach in
560 circumstances where the Government considers that it needs to temper the manner in which it will implement
its policies, and that I recognise that, in some instances in Government, he did and in some others, he did not,
and in some instances in Government, if we consider it appropriate, we will, and in some instances, when we
consider it is not appropriate, we will not.

Clerk: Question –

565 **Hon. P R Caruana:** The hon. Member has an uncanny knack of preventing me from staying sitting down,
as I had intended to!

Mr Speaker, let me see if I can convert into a question just a simple proposition that I want to leave lying
on the record.

570 Does the hon. Member, whether he agrees with it or not, at least acknowledge that the Opposition does *not*
accept the repeated theme emanating from those benches, that is that, somehow, a Government can say of the
manifesto that elected it into office, ‘That’s the party. Don’t quote the manifesto at me, because I am now the
Government; I am not the party.’ It was a manifesto for government!

575 Nobody in the electorate, would he agree with me, is going to be attracted by the proposition that a
political party gets elected to Government on the basis of a manifesto and then asserts repeatedly that it is free
not to have the manifesto held against it, because it is the manifesto of the party and not the manifesto of the
Government? It is not a line that I have seen used in other democracies.

580 Obviously, he will want to reply to that, and I will not rise again on the question – because all I just want
to leave on record... I just did not want my acquiescence on that point to suggest to the hon. Member that we
think there is merit in that sort of nuance, of the significance for political purpose. Clearly it does not bind the
Government legally but, for political purposes, we do not think such a nuance is viable.

Hon. Chief Minister: Mr Speaker, I am getting worried that our relationship seems to be becoming
almost symbiotic: I need to say something for him to get up... I do not want us to have that sort of
relationship.

585 Mr Speaker, of course I accept that the party’s manifesto has now become the Government’s programme
for government. I was simply taking the point that the manifesto during an election campaign is not ‘the
Government’s’; it is the party’s, even though it is of the party in Government and it becomes the programme
for government, once the Government is elected.

590 Of course, Mr Speaker, I have here – because I was taken by the candour with which the hon. Gentleman
replied to a question by the now designate CEO of GBC in a radio interview in the run-up to the General
Election on 5th December 2011, when he was asked about this issue of manifestos, and he very candidly said:

595 ‘All parties now publish manifestos during their campaigns, which are a programme of what they *hope* to achieve over a four-year
period. Almost never is it possible to achieve all of those things, for a variety of reasons: you may run out of time, you may run out
of money’

– as he almost did –

600 ‘and there may be technical reasons why things cannot be done. For example, some of the projects that you have mentioned rely on
each other: until we have built the new power station, the MOD cannot build its power station, etc.
Look, Gerard, I do not hide the fact that there has never been any term of office in which the GSD has managed to do everything that
was in its manifesto, and I think that is true of every political party in every democracy around the world.’

605 I am looking forward to proving him wrong! (*Laughter*)

Clerk: Question –

Mr Speaker: No, the Hon. Selwyn Figueras.

610 **Hon. S M Figueras:** Mr Speaker, just bringing us back to the question itself specifically, and having

failed to get very far with the definition of ‘amenity value’... but I have had an opportunity to review it on the iPad here with me (*Laughter*) so I may have informed myself appropriately.

615 Perhaps he will be of more assistance to the House in respect of his views articulated in the quote which I think you accepted was attributed correctly to you, in respect of the limited number of visitors, and although we are not there yet, what the Minister considers the ‘limited number of visitors’ to be – I understand that, and I am not pressing for a number or a moment in time which that will become a reality. However, what I would press the Hon. Minister for are his views on the impact it will have on both the amenity value and the commercial value of the Upper Rock Nature Reserve in due course.

620 **Hon. Dr J E Cortes:** Mr Speaker, it is clear that there *has to be* a limited number. There is a limited number of people who can fit in this room. It is more clear – it would be easier to find – what that number is in a defined space as this, but it is different in a nature reserve, where the numbers have to be managed in a particular way, too. And the numbers of people who can access an area like this will depend on how they are circulated, on how they visit the different areas and so on.

625 So I think it is has not reached the limited number, it is only an opinion, but if you manage in a different way, you can actually *increase* the numbers, so it is not determined at the moment. The numbers of visitors anywhere have to have physically a limit but, in the case of the Upper Rock, I do not think we are anywhere near that, but if we are able to absorb the present and greater numbers, you have to manage the way the visitors use the area in particular ways, which are not yet determined. That is part of the exercise.

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

635 The one point, however, I would like to press the Minister on is whether his view that... and whilst we may or may not agree in that respect, his view is that there is a limited number of people that certainly we can fit in this Chamber, and in the Upper Rock Nature Reserve – when we arrive at that point, whether that will mean that there will be limitations imposed upon the local community in respect of its use of the amenity?

Hon. Dr J E Cortes: No, I am convinced that we are not going to reach – convinced, subject to the study going on – we are nowhere near reaching that limit, if we manage the people properly, so I cannot say anything further.

640 I *do not think* we will have to close any gate at any particular time, because I think we are going to manage it in such a way that that is not going to happen. So we are speculating without any facts.

Hon. S M Figueras: But the Minister is not able to provide a commitment that there will be no limitations or restrictions imposed on the local community in respect of the amenity?

645 **Hon. Dr J E Cortes:** There will be no limitations imposed on the local community.

650 **Cruise passenger arrivals
Promoting growth**

Clerk: Question 346, the Hon. D J Bossino.

655 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise this House what plans the Government has to promote the continuation of growth in the number of cruise passenger arrivals?

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

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

The Government is currently assessing a number of infrastructural options in respect of increasing the berthing capability for cruise ships in Gibraltar, as well as enabling them to be effectively and safely handled.

665 In the short-term, the Western Arm is in the process of being tidied up, with the demolition of the derelict Ice Box Building and the resurfacing of that area. The Western Arm, as the House will know, is the first and last impression of cruise visitors and the area has been in desperate need of a facelift for as long as anyone can

possibly remember.

As the House will be aware, I attended Miami for two and a half days, during the course of which I personally met with five executives of various cruise line operators. We engaged then in lengthy discussions, canvassing many areas relating to cruise calls, shore excursions, etc.

670

It has become patently clear to this Government, Mr Speaker, that the single most important failure in the past, in order to be able to attract business to Gibraltar has been the absence of structures that ensure follow-up of the items discussed at meetings; but as a result of structural changes that I have implemented in the Gibraltar Tourist Board, there is now, at an official level, continuity of communication with the people who actually make decisions in the field, to make sure that Gibraltar is always in the minds of those executives who design shore excursions, decide the itineraries of their ships. Moreover, I have arranged a series of nine meetings in the UK at the end of June, with cruise operators based in the United Kingdom.

675

Mr Speaker, as I have already alluded to the hon. Gentleman in a previous answer, it is the philosophy of the Government to pursue personal relationships with those persons who decide, and equally as crucial, to impress that my Ministry and the Gibraltar Tourist Board have an open door to all of them to discuss any, and all, ideas.

680

Moreover, Mr Speaker, in my short time in my Ministry, it is my assessment that Gibraltar has, in fact, lost some important opportunities because of this lack of follow-through which I mentioned earlier. The recent return of the French product of Pullmantur, as recently highlighted in the press, is precisely the sort of example to which I am referring. A meeting was scheduled... a technical meeting was held by the Gibraltar Tourist Board, followed by a second meeting with me, that gave rise to the return of the product.

685

Unfortunately, Mr Speaker, since 2009, Gibraltar has only had calls from Norwegian Cruise Lines... and there has been also a substantial reduction in cruise calls from other cruise lines so, clearly, there is a lot of work to do in order to have those products brought back to Gibraltar.

690

Since I drafted the answer and as if this executive had heard the question of the hon. Gentleman, I was very gratified to have received an e-mail from one of the executives that we met in Miami, and I will be making a statement in due course to say that we will be adding two additional calls to Gibraltar this year. It is the Azamara Club Cruises. Essentially, there is one ship, the 700-passenger *Azamara Journey*, scheduled to call once, with a sister ship, the *Azamara Quest*, who will be visiting The Rock four times – three of them within a week, between 29th November and 3rd December. The *Azamara Quest* returns to Gibraltar six times in 2013, and that has been a direct result of my discussions with executives in Miami.

695

Hon. D J Bossino: Mr Speaker, can I just take this opportunity, in relation to that last point made by the Hon. the Minister for Tourism, to congratulate him, if it is as he has... and there is no reason to doubt it, that these ships will be coming to Gibraltar.

700

But will he not accept for one moment, that it seems, in relation to the tourism issue, we are living almost in parallel universes? Now, in fact, it was reported in the *Gibraltar Chronicle* on 19th April that the visits... I will just quote it. It says:

705

‘Gibraltar received a record number of cruise passengers in the first quarter of the year, according to the latest statistics released by the Gibraltar Government.
The figures represent a slight increase over the same period in 2011, which itself marked a sharp rise over previous first-quarter cruise business.’

710

It goes on to say:

‘... the year in 2011, some 21,529 cruise passengers arrived in Gibraltar. This year, the figure for the same three-month period reached 22,063 passengers.
The start of the year has traditionally been slow for the cruise sector, but that has changed in the last two years.’

715

Then it ends – I will not read the whole article – but it says:

‘The figure is largely in line with market trends in recent years and, in any event, could rise before the end of the year.’

720

Will he not accept that he has inherited a bonanza?

Hon. N F Costa: Well, Mr Speaker, to answer the question of the hon. Gentleman, whereas there may be passengers coming into Gibraltar, ships have got bigger, so the fact that there are more passengers coming in

725 is as a result and by virtue of the size of the ships. But, unfortunately, there has been a significant loss of calls by ships, and I can give him some statistics: Costa Cruises called nine times in 2009 and only two in 2011; Louis Cruises called 28 times in 2009, but only once in 2011; NCL called five times in 2009, and no times at all in 2011.

So, as the hon. Gentleman can see, that it is by virtue of the size of the ships that people are coming in, but the number of calls have, as I have just shown him, dramatically reduced.

730 **Hon. D J Bossino:** Mr Speaker, as I understand it – maybe he can confirm this – the position of Director of Maritime Affairs is now vacant. Is that correct?

Hon. N F Costa: Yes, Mr Speaker.

735 **Hon. D J Bossino:** And is there any intention of filling that post?

Hon. N F Costa: No, Mr Speaker.

740

**Royal Caribbean cruise liner
Commencement of calls at Gibraltar**

745 **Clerk:** Question 347, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise the House when Royal Caribbean confirmed that its cruise liner, the *Serenade of the Seas*, would commence calls at Gibraltar?

750 **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, Royal Caribbean booked the berth for the recent call of *Serenade of the Seas*, which called at Gibraltar on 2nd May, just over a year ago, on 9th March 2011.

755

**Gibraltar Bus Company Limited
Appointment of general manager**

760 **Clerk:** Question 348, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform this House whether a general manager has been appointed to the Gibraltar Bus Company Limited?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the job has been advertised internally. The closing date was last Friday, 11th May 2012. There were three applicants. All three applicants are Gibraltarian.

770 A board will be constituted to interview these three applicants and make their recommendations to the board of directors of the Gibraltar Bus Company.

I can add that, since drafting the answer, the board will be held next Tuesday.

775 **Hon. D J Bossino:** Does the Government have any idea as to what the terms of engagement will be at this stage?

Hon. N F Costa: In particular...?

Hon. D J Bossino: In particular, income. Does the Government have in relation to that or...?

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Hon. N F Costa: Yes, no, no, I would not like the hon. Gentleman to quote me, but I believe the salary was £40,000. I can check it, but I am quite sure it was £40,000 per annum, with a probationary period of six months.

I can get back to him on the exact amount.

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Hon. D J Bossino: Yes, presumably it would have been advertised internally on that basis?

Hon. N F Costa: Yes, of course, Mr Speaker.

790

**Gibraltar Bus Company Limited
Details of independent inquiry**

795

Clerk: Question 349, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide full details of the independent inquiry into the case surrounding the Gibraltar Bus Company and Mr Sardeña, to include who will be leading it; how it will be conducted; when it will commence; what its terms of reference will be; and when it is expected to complete?

800

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, as my press statement of 4th April made clear, any inquiry will be conducted at the end of the case, and any related appeals. At the expiry of such timeframe, consideration will be given to all the matters that the hon. Member mentions in his question.

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**Mr Albert Poggio's terms of engagement
Gibraltar Office, London**

Clerk: Question 350, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the terms of engagement of Mr Albert Poggio, including details of his role and position within the Gibraltar Office in London?

820

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, Mr Poggio was appointed as a political consultant, by virtue of an agreement dated 25th March 2011 between the Government of Gibraltar and Mr Poggio. The appointment is for a term of two years. He is directly accountable to the Chief Minister, directly and through the Chief Secretary and the Chief Minister's Private Secretaries.

825

He has the use of an office in Gibraltar House in London for the provision of the service and shall also be provided with such secretarial and logistical support for the provision of the service as the Director of Gibraltar House may consider reasonable to provide for that purpose. He is to keep the Director of Gibraltar House briefed in all matters relating to the provision of the service.

830

Hon. D J Bossino: Can the Minister confirm that that, therefore, is the arrangement as we left it, when we were on that side of the House?

Hon. Chief Minister: Mr Speaker, as I understand it, that is the arrangement that we inherited.

835 **Hon. D J Bossino:** I am grateful for that confirmation, Mr Speaker, and the reason why I ask it is because the press is quoting Mr Poggio as saying something quite different.

In fact – you cannot believe what all the papers say all of the time, but certainly the – (*Interjection and laughter*)

840 Well, Mr Speaker, the Leader of the Opposition will be surprised to learn that I am actually about to quote the *Panorama*, in its edition of (*Interjection*) 28th February of this year quotes Mr Poggio, saying that – and this is the title of the article:

‘Poggio says he is “back in full control” at the London Office’.

845 The first paragraph says:

‘Albert Poggio told *Panorama* yesterday’

– i.e. 27th February –

850

‘that he is now “back in full control” at the Gibraltar Government Office in London. He said he was very pleased to work for the new Government.’

855 Now that, Mr Speaker, clearly suggests that there has been a change of circumstances in Mr Poggio’s employment and that is why I asked the question.

It goes on, in its penultimate paragraph, where it says:

860 ‘In recent weeks it was being said in unofficial sources in Gibraltar that Mr Poggio had reverted to being the Government’s representative in London –

– *reverted* –

‘and this was reinforced by his use of the title “United Kingdom Representative, HM Government of Gibraltar.’

865 Maybe if I can just add a bit of humour to the supplementary, Mr Speaker, the *Panorama* – another edition, and I must say I do not have the exact date – apparently, Mr Poggio was described as the ‘High Commissioner’ of Gibraltar by the *Herald Express* in the Devon area, and it adds:

870 ‘His Excellency Albert Poggio will be taken on a tour of the recently re-opened Torre Abbey, before speaking at Brixham Yacht Club’s annual St George’s Day dinner.’

There is an editor’s note which interestingly says:

875 ‘Of course, Mr Poggio is not Gibraltar’s High Commissioner and it is to be wondered why he should be so addressed. Why did they think in Devon that such is his status?

More so, how come he was addressed as “His Excellency”, a title not accorded even to the Chief Minister of Gibraltar, and reserved for the Governor?

Does it mean that someone somewhere thinks “His Excellency Albert Poggio” is above the Chief Minister?’

880 **Mr Speaker:** I am not even sure that is an appropriate question! (*Laughter*) But if the Chief Minister wants to answer it –

Hon. D J Bossino: That was still part of the *Panorama* quote! (*Laughter and interjections*)

885 **Mr Speaker:** Well, I know, I mean I think – (*Laughter and interjections*)

Hon. Chief Minister: Mr Speaker, it was such an opportunity that I had to rise –

890 **Mr Speaker:** I will just point out that, no matter where it appeared first, it is *not* an appropriate question, but –

Hon. D J Bossino: Mr Speaker, just to clarify, I was quoting the *Panorama* –

Mr Speaker: It doesn't matter!

895

Hon. D J Bossino: It was not a question, but maybe I can quote a question –

Mr Speaker: No, no, the question was put on the terms, and then the Hon. Minister for Tourism explained at length the terms; then the supplementary was about what appeared in the *Panorama*, which is not an appropriate question.

900

However, I will not deprive the Chief Minister of (*Laughter*) the pleasure – I think he would want to say something on that. (*Laughter*)

905

Hon. Chief Minister: Well, Mr Speaker, only because the hon. Gentleman, I think, did the House the kindness of explaining why he felt it was appropriate to put the question in that context, and read the quote to show us what it was that had caused him to draft it.

Mr Speaker, put it this way: Gibraltarians have always been known for punching above their weight internationally, so it must be, I think, a good thing that there are Gibraltarians around the world being referred to as 'His Excellency' – nomenclature which has been traditionally, in respect of Gibraltar been reserved for people who were sent over from London to reign over us.

910

So I think that he is injecting an element of humour to reflect this, because there are people who believe that those who are in offices of other nations, in London or in other capitals, are all ambassadors, and all ambassadors are referred to as 'Your Excellency', in the way that they are referred to.

915

So I suppose we should thank whoever thought that one of our representatives in London is an ambassador and should be referred to as 'His Excellency', for affording us, as a people, that pleasure. I do not think Mr Poggio himself has ever tried to accord for himself (*Laughter*) the epitaph of 'His Excellency' or of 'High Commissioner'.

920

But, Mr Speaker, it is true that, in terms of how to present himself, the Government has agreed that he should represent himself as 'UK representative', for political purposes and for the purposes of doing the political work that he does, without that affecting his job description or the terms of engagement – if I may call them that, although it is a consultancy agreement which we inherited from the previous administration.

925

The hon. Gentleman has made a reference to things said in the *Panorama* from unofficial sources, which I am not going to deign with a reply, but I will say that, in respect of the quote of the 'full control', which is a quote attributed to Mr Poggio, the only thing I can say is that maybe Mr Poggio was referring to – it does not go on to say what he is in full control of – full control of the political lobbying aspect which is what his contract provides for.

930

I think, across the floor of the House, if there is any measure of agreement, it is that Mr Poggio does an excellent job of the political representation of Gibraltar in London.

Hon. D J Bossino: Just to clarify the points, Mr Poggio does say that he is 'in full control' at the Gibraltar Office in London – that is what he is attributed as saying. The Chief Minister has clarified the position, and I am satisfied.

935

In fact, in other past reports in the *Gibraltar Chronicle*, he is described also as the Head of the Gibraltar Office in London. As I understand – maybe I can ask this by way of supplementary – is that so? Mr Canessa is the Director of the London Office?

940

Hon. Chief Minister: Yes, indeed it is Mr Canessa who is the Head of the London Office – the administrative Head of the London Office, and who enjoys the full confidence of this Government, as he enjoyed the full confidence of our predecessors.

I think 'full control', as I am reading it, and as I read it – despite what I might call the rather unfortunate photograph on the front page of the *Panorama* which I think included that article – is full control of the *political* aspects of Gibraltar's representation in the United Kingdom, and not of the office, which continues under the full administrative control of Mr Canessa who, as I say, enjoys our full support and our full confidence – as Mr Poggio does in respect of *his* role.

945

Hon. D J Bossino: Mr Speaker, the answer has cleared the issue for me. I do not have the benefit of the

photograph on the front page of the *Panorama*, because I have an internet version of the article.

Hon. N F Costa: I can pass a copy to you! (*Interjections and laughter*)

950

Mr Speaker: Was the request for a photograph a supplementary? (*Interjections and laughter*)

955

**GibiBikes scheme
Rental details for past three months**

Clerk: Question 351, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide this House with details of usage of the GibiBikes for the last three months, broken down by number of rentals, location of rentals, length of rentals and fault reports?

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

965

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I will answer this question together with Question 352 of 2012.

970

**GibiBikes scheme
Rollout to rest of Gibraltar**

Clerk: Question 352.

975

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether the Government is committed to completing the roll-out of the GibiBikes scheme to the rest of Gibraltar?

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

980

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

ANSWER TO QUESTION NO 352

ANSWER TO QUESTION NO 351

Month	Number of rentals	Total time (hrs)
January 2012	1785	398
February 2012	2305	333
March 2012	3176	583

Average length of rentals: **11 minutes**
Present members in the scheme: **419 members**

985

In respect of the fault reporting, although there is an option on the touch screen of each individual bike station for a client to report a particular problem, this function of the service has not come online. Therefore, we do not have any statistics available.

The majority of clients communicate with GibiBikes through e-mail.

990

Given the current situation, with five stations down, damaged locks, sparsity of bikes at peak hours, the fault reports and complaints tend to merge into the same correspondence. Stations out of action and other

problems are as follows:

Stations out of action are City Hall; Orange Bastion; Europort has to be restarted manually several times during the day; Frontier 1 and Frontier 2 stations.

995 At the Frontier, from a potential 45 locks available to our clients at present, there are only 12.

Bike availability: from a maximum of 130, 18 are locked, 31 have their anti-tilt tags broken and there are no spares to repair them; 12 require spares to make them roadworthy; 22 are held in reserve, but these may have problems with their anti-tilt mechanisms, which leaves a total of 47 bikes available to our client-base of 419.

1000 Mr Speaker, given that my Ministry, in conjunction with the Gibraltar Bus Company Limited, is in detailed discussion with this private operator in respect of the detailed breakdown that I have just mentioned on the stations and the other problems relating to the stations, it is not appropriate, at this stage, to comment any further, save that – I can say this, because I have communicated this to the director of my bike station – I am nothing short of appalled that these stations, having started operation, I believe on 27th November of last year, should be experiencing such widespread problems already.

1005 The Government is, therefore, closely examining all the available options in relation to GibiBikes. This includes the roll-out of the scheme to the rest of Gibraltar. No policy decision has yet been taken as a result of these commercial discussions.

1010 The Government is further concerned that, as the capital cost of the project to date comes to just over £324,000, there are also serious issues relating to the reliability of the equipment, which the Government has already taken up with the supplier. The recurring operating expenses are also a matter for concern.

Hon. S M Figueras: Mr Speaker, thank you.

I am grateful to the Hon. Minister for Transport for his answer to the question.

1015 You mentioned that there is a discussion of all the available options at the moment, including the roll-out of the system to the other stations, which certainly, on GibiBikes website, are listed as stations that are available and have not been because they were subject to that roll-out phase.

Is it not correct, perhaps... and I do understand, I will declare that I am a user, and perhaps that is why they are in such a terrible state! (*Laughter*)

1020 **A Member:** Exactly!

Hon. S M Figueras: Yes, before someone else makes the link! (*Laughter*) I am a user, and I am aware that there are many faults, of which I have reported a number and I am quite surprised to hear that the system for reporting is not actually online and that the time I spent reporting them is actually time wasted!

1025 But conscious as I am of the difficulties that are being experienced in respect of the reliability or otherwise of the equipment in place, would the Minister not agree that, despite those difficulties and subject to the contractual arrangements with the supplier, details of which I am not aware, it would no doubt be of benefit to the community to continue with the roll-out of this system?

1030 Is it not the case, also – and I apologise for the length of the preamble – would the Minister agree that continuing to roll out the system, as had been the previous administration's policy, would be of more benefit to the community... rather, would help to develop the use of the system more, by making it more widely available and as user-friendly as it had originally been intended to be?

1035 **Hon. N F Costa:** Mr Speaker, I very much respect that, when Mr Holliday was photographed riding the bike, he did intend the system to be user-friendly.

1040 However, unfortunately, as I have just explained to this House, the system has widespread problems. I have listed some of the most important ones. The fact that installations which were rolled out on 27th November of only last year should be experiencing such widespread problems of bikes deteriorating, oxidation, clamps having to be replaced, locks not being able to be released, software crashdowns, at a cost of already £328,000, the Government, before expending any *additional* taxpayers' money, has to carefully consider whether or not it must do so, given the cost incurred and the widespread problems that are being experienced.

1045 Look, in a way, it is my view that the previous Minister may have put the cart before the horse, given that there are also safety concerns, of there being no safety lanes for bike users. I for one think that the more that people use the bus, or bikes the better, and that people should change their minds and walk to work is indeed

preferable. That, I am sure the hon. Member will agree with me, has to be juxtaposed with the costs to the taxpayer and the problems being incurred. If we can do it at a reasonable cost and being sure that we will not have another systematic failure of the system by rolling out the programme, we will take it into account, but at this point, given the problems experienced, we will have to take the problems strictly under advisement.

1050

Hon. S M Figueras: Mr Speaker, just a couple more questions on the issue.

I am just going to bring the issue down to its fundamentals. Is the Government of the view that the concept of a GibiBikes urban bike rental scheme is positive for the community and it is therefore committed to rolling out as a matter of priority a comprehensive system, subject to the difficulties that they are having and those difficulties being dealt with or changed, however the Government choose to deal with it? Is it committed to a useful, reliable urban bike rental scheme for Gibraltar?

1055

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

1060

Hon. S M Figueras: Mr Speaker, the hon. Member has said that, in his view, it is a good idea. I have asked him whether it is the Government's policy to pursue an urban bike rental scheme as a matter of priority.

Hon. N F Costa: And before I sat down, I said we will have to take a policy decision, given the problems being experienced.

1065

Hon. S M Figueras: Yes, indeed, Mr Speaker, but taking a policy decision on the basis of the problems being experienced is a different matter altogether to saying, in a vacuum, 'We consider an urban bike rental scheme to be of benefit for the community and therefore, if we can find a *suitable system*, then we are certainly going to pursue it because we consider it as a matter of priority.'

1070

Hon. N F Costa: Yes, Mr Speaker, in a fairy-tale land, with no problems, no cost considerations or Health and Safety concerns, yes – in the vacuum.

1075

Hon. S M Figueras: I am grateful for that, because I think it is actually very important and certainly it was the previous administration's policy to roll out this urban bike rental scheme, because there is no doubt that usage, despite all the difficulties, according to the figures that the Minister has provided to us, is actually on the up. Certainly it is not hard – it does not take long, walking around – to see that they are actually being used, so whatever limited bikes are available, they are certainly in use. That is a very good marker, certainly, for the importance of it, because of course, the present Government is all about costs. The present Government is all about consultation and ensuring that the cost of the initiative is worth it in the long-run.

1080

I ask the Minister how important, or how highly does he rank the beneficial impact of such an urban bike schemes on the alleviation of a certain amount of traffic on our roads; the fact that it is promoting cycling in the community; the fact that it is promoting a healthy activity; and that, in due course – even bearing in mind the realities of cycling in Gibraltar – it may cause a paradigm shift to come about and the bicycle *may* eventually become a genuine alternative means of transport in Gibraltar?

1085

Hon. N F Costa: Mr Speaker, it would appear that the hon. Gentleman either has not heard my reply or refuses to accept the reality of the current problems being experienced by the GibiBikes stations.

Look, we have paid to these gentlemen in the UK £324,000 – right? That money could have been used in doctors, teachers, nurses, care workers and other people who are desperately needed by this society.

1090

Now, is a bikes urban scheme a good idea? I have already answered: the answer is yes. In an ideal world, in Walt Disney, where there are no cost implications, where there are no safety concerns, yes, it is a good idea. I have said that in my original answer, in my second supplementary answer and in my third supplementary answer.

1095

Hon. S M Figueras: Mr Speaker, unfortunately, the Minister seems to be expressing the view which is worryingly becoming the trend and that is the short-termist approach of this Government. There seems to be no long-term vision – certainly in respect of this matter – because he refers to £324,000 and he refers to the fact that with that £324,000 you can hire more doctors, more nurses, more teachers, and fund other projects in the community which are just as valuable.

1100

But what is concerning, Mr Speaker, is that there seems to be no long-term vision about the long-term beneficial impact, which I suspect the Minister for the Environment would agree with me – certainly at least in part – is the positive impact of such a scheme and such a paradigm shift towards using the bicycle in respect of the environment, in respect of traffic, and in respect of a number of other issues.

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So Mr Speaker, I ask him again: how highly... and perhaps I will wait until he is paying attention, because I would like to afford him the opportunity of answering the question.

It is okay, I am waiting.

1110

Mr Speaker: I think the question has been asked.

Hon. S M Figueras: I just need to repeat the question, because I suspect, Mr Speaker – with your indulgence – that he has not quite grasped the concept of the question itself, and it is really very simple.

1115

How highly does he rank the importance of bringing about a paradigm shift in respect of cycling as an alternative means of transport, in the list of priorities which he is now considering in respect of the bike scheme?

1120

Hon. N F Costa: Mr Speaker, a paradigm shift, in changing the psychological minds of the people to walk or use the bus or cycle to work is extremely important to this Government because, as the hon. Member will know, we have already issued a tender to be able to be advised on how we achieve exactly that.

The hon. Member cannot tell me that as a result of this bike scheme, that in itself would transform into this paradigm shift that he is talking about. He cannot tell me that and he cannot also accuse this Government of short-termism because we are consulting with the industry or with the general public at large. That one thing does not follow from the other, and we are not obsessed with costs. However, costs are an important consideration and must be factored into any policy decision that the Government makes.

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I have already told him that I do think that the bike urban scheme is a good idea, but that is speaking in a vacuum. Government has to consider not just whether something is a good idea or not, but the costs. It also considers other implications as well: the system, etc.

1130

So he does not need to repeat the question or accuse me of not being able to grasp the question. I have already told him that, whereas it may have been a good idea for Minister Holliday at the time to be photographed using a bike for electoral purposes – because let us remember that this was rolled out on 27th November 2011, with an election on 8th December 2011 – in other words a few weeks before, and I am not sure whether Minister Holliday at the time used bikes to come to work or he walked to work or not – but the point I am trying to make is that he *did* put the cart before the horse, because he cannot tell me that it is not dangerous, in some areas of Gibraltar, to use bikes.

1135

But, of course, this programme was rushed through for electoral purpose, without consideration for anything – cost, safety or anything else. If *that* is not short-termism, if *that* is not political opportunity, nothing else is!

1140

Hon. S M Figueras: Mr Speaker, I commend the Hon. Minister for taking all of 10 minutes of resistance to referring to the rolling out of the GibiBikes scheme as *only* an electoral gimmick.

However, it continues to concern me that this approach to come out in this House and say that cycling in Gibraltar is dangerous, and as simple as that, without referring to –

1145

Hon. N F Costa: On a point of order, I never said dangerous; I said it raises safety issues – *quite different*.

Hon. S M Figueras: I think, Mr Speaker, *Hansard* will show that he did, in fact, say that cycling in Gibraltar is dangerous – on that point of order.

1150

Hon. N F Costa: *Potentially*.

1155

Hon. S M Figueras: Well, so, when I talk about the paradigm shift, Mr Speaker, I am *not* saying – and I have never said, certainly not in this House – that the introduction of an urban bike rental scheme would bring about this shift. The shift will only be brought about through consistent campaigns of awareness, implication and facilitating and incentivising the use of the bicycle as an alternative means of transport. That is the point I was making.

I am grateful to the Minister for his *[inaudible]*.

Hon. N F Costa: Mr Speaker, I do not know if there was a question there.

1160 However, let me tell him this: that if they were so concerned, if they were so obsessed, if it was so important to have this paradigm shift in the psychological maturity of Gibraltar, for people not to get in their cars, perhaps the Trafalgar Interchange may have made use and ability for people to be able to cross and have not created a system whereby it only caters for cars.

1165 **Hon. P R Caruana:** Mr Speaker, regardless of the terms in which he alluded to it, the Hon. Minister alluded to the issue of safety – let us put it in those terms.

Can he say whether he is aware... since it was launched as a ‘pre-Election gimmick’ in November, can he say whether there have been any reported traffic accidents involving users of GibiBikes?

1170 **Hon. N F Costa:** Mr Speaker, I have not asked.

1175 **Hon. P R Caruana:** Well, if he has not asked whether there have been any traffic accidents involving the users of GibiBikes in nearly six months, then either it is not as dangerous as he thinks, *or* he cannot be so concerned about the safety implications of the GibiBikes scheme. Does he accept from me that were he to genuinely consider safety to be a consideration in the...?

By the way, I should have prefixed my question by saying that I entirely support him in his view to get the contractor to comply with whatever contractual standard is required and it is certainly unacceptable to this side of the House, as I hope and I am gratified to see it is unacceptable on that side of the House, that a contractor should think that they can sell us a product which is then not operating to the promised or contracted standard specification.

1180 But, that aside, I am questioning him only on his allusion to safety, that if he is not aware whether there has been any accidents – and I certainly have not read of any in the newspaper, but that does not mean that there have not been any – if he *were* concerned about safety as an issue in formulation of the Government’s thinking – should he not by now have interested himself about what the record on safety is in relation to users of GibiBikes?

1185 **Hon. Chief Minister:** Mr Speaker –

1190 **Hon. P R Caruana:** The question was addressed to the Hon. Minister – but the Hon. Chief Minister can answer if he thinks the Hon. Minister will not be able to.

1195 **Hon. Chief Minister:** Well, Mr Speaker, assuming that the hon. Gentleman has asked the question because he thinks his Shadow Minister (*Interjection by Hon. P R Caruana*) for the Environment and Transport (*Interjection by Hon. P R Caruana*) was not able to appreciate that nuance either and he felt that he had to get up and ask that question –

Mr Speaker: Order.

We had an issue before. The Government is entitled to choose who answers which questions – (*Interjection by Hon. P R Caruana*)

1200 **Hon. Chief Minister:** He did it for 16 years!

1205 **Hon. P R Caruana:** Mr Speaker, with respect to you, I have not questioned their entitlement; I have made a political comment about what might be a proper interpretation of the fact that he chooses to answer it. It does not raise issues of entitlement.

Hon. Chief Minister: In which case, the political comment is thrown straight back at him, because of his decision to ask the question in relation to a (*Interjection by Hon. P R Caruana*) member of his Shadow Cabinet and, of course, Mr Speaker, the point is live as to what used to happen here for 16 years!

1210 **Several Members:** Hear, hear! (*Applause*)

Hon. Chief Minister: Well, anyway.

Hon. P R Caruana: Of course, of course it is Mr. Speaker but he used to criticize it! (*Laughter*)

1215 **Hon. Chief Minister:** Mr. Speaker, I have got up to answer this question because I think it is important... I think it is important to link what the hon. Gentleman has now addressed to the hon. – my colleague, Mr. Costa, who I am perfectly happy to allow to answer the part of his question which he may wish to answer.

1220 I am comfortable that he will be able to discharge his function in answering very well indeed to the premise of the Hon. Mr. Figueras's statement about the paradigm shift, but Mr. Speaker; what evidence did the hon. Members opposite, when they made the investment in these schemes, the GibiBike scheme, have, that it would lead to a paradigm shift in the way that people move around (*Interjection*) Gibraltar? What evidence Mr. Speaker is there even today, in the premise of the Hon. Mr. Figueras's question that it's actually working in a way that affects the way that people transport themselves around Gibraltar, because the figures that we have provided them show the number of trips there are on these bikes, but that does not tell you whether these are people who might have been walking to work before and the bikes are actually creating more traffic. This doesn't tell you whether those people were on the buses before, because if these people are the sort of people who are genuinely and rightly concerned about the way that they transport themselves around Gibraltar and they don't want to use their cars, it is also possible to assume, Mr. Speaker, that these people would have been the ones previously already walking to work or catching the bus.

1230 What statistic did they seek at the time that they were in Government before making this investment? Because, Mr. Speaker, if we are not genuinely concerned with safety because we have not asked for the statistic from the police about the number of accidents involving bikes, then what concern did they have for the paradigm shift if they did not have the mechanisms in place before they made the investment to assess how many people, not would use the bikes; how many people would go from the *car to the bike*? How many people would go from the motorbike to the bike?

1235 And so, Mr. Speaker, the hon. Gentleman's point about not having sought the statistic, when seen in the context of the other hon. Gentleman's earlier points, I think evidences the fact that either we are both as concerned about safety and the paradigm shift or neither of us are concerned about either safety or the paradigm shift; although I do recognize, Mr. Speaker, that the hon. Gentleman, when he started his supplementaries on this was deprecatory of himself in a way that he need not be because, having seen the photograph in the *Gibraltar Chronicle* when this was launched, I am sure that was more responsible for the (*Laughter*) damage done to the bike than he could ever do to it by simply riding it!

1245 **Hon. N F Costa:** Mr. Speaker, to answer the (*Interjection*) question –

Mr Speaker: The question has been answered by the Hon. the Chief Minister –

Hon. N F Costa: Well, not the part about safety –

1250 **Hon. P R Caruana:** Mr. Speaker, I do not think that what the Hon. the Chief Minister has just said is even a persuasive attempt to conflate two completely unrelated issues – presumably, for the purposes of trying to muddy the waters.

1255 The debate about the alleged paradigm shift – has it happened or not and what was the evidence, in advance, for the fact that it would or would not happen? – upon which I might express a view, but will not, so as not to further muddy the waters, is wholly irrelevant to the question that I have asked, which is: given that the hon. Member has gratuitously alluded to the question of safety, I asked him what evidence he had, and what steps he had taken to establish, whether there was any justifiable basis for his raising, in this House, concerns about safety.

1260 Would he now please answer that?

Hon. N F Costa: Yes, Mr. Speaker, as I was about to say before, at the *very first* meeting of the Gibraltar Bus Company Limited, where we discussed the GibiBike scheme, the very first thing I did ask for was for the technicians and the responsible people to come back to me as to where we could have safety bike lanes all over Gibraltar.

1265 So you can see, Mr. Speaker, it is not that we have asked for the statistics of accidents, my very first

instruction, in relation to GibiBikes, was to see whether, in Gibraltar's narrow roads, we could have safety lanes.

1270 **Hon. P R Caruana:** So he raises it in this House on the basis that he asked a question to which he has not had an answer, Mr. Speaker. That is all that I was trying to establish.

Can I, therefore, say to the hon. Member; if he is concerned about the safety of grown workers using bikes on Gibraltar's – according to him – inappropriate streets for cycling, what is the Government's policy to prevent our *own children* from riding their bicycles on the same narrow, inappropriate, and presumably even more dangerous, streets?

1275

Hon. Chief Minister: Mr Speaker, I think the policy of successive Governments, at least since 1982, has been that the Royal Gibraltar Police carry out something called the cycling proficiency test – which I am very pleased to say I passed at the first attempt (*Laughter*) at Sacred Heart Middle School and I am sure that many of us also here will have done so – and I hope, and we all hope, that that, and whatever other tuition young children are given in how careful they need to be when interfacing with the traffic, when they are riding the bikes, has not resulted, to date, in any serious accidents.

1280

I am sure that we all agree that it never will but, Mr. Speaker, that is not to say, *that is not to say* that Gibraltar's roads were *safe enough* for the introduction, not of another young Gibraltarian enjoying his youth and teens on his bicycle, but 300 or 400 – I don't know how many – bikes, all to be taken at once in the morning across our streets and back in the evening, when people were going back to work. That was our concern.

1285

Now, Mr. Speaker, I do hope that it's not just *our* concern. I do hope – now, look, we call it an electoral gimmick; they say it is the beginning of a paradigm shift in the way that people transport themselves across Gibraltar – but I do hope that we agree on that and, in the longer term, if schemes like this are going to prosper what we should be doing is making this one *part* of the project and not *all* of it, and that we should be looking at making cycling on our roads more attractive and safer, etc, etc.

1290

Hon. P R Caruana: Mr. Speaker, does the hon. Member accept that, just as I have accepted, getting the contractor to comply and all of that are perfectly legitimate things for the hon. Members to require; that it is completely... to say that one of the things that is in the melting pot about the future of this scheme, amongst others, are considerations of safety.

1295

Mr. Speaker, the hon. Member – I don't want to get into a debate with him about whether the paradigms have been shifted or not: I think it's far too esoteric a subject for so early in the morning. But, look, paradigms or not, shifts or not, there are 419, presumably adult, members of this community who, in the full knowledge of the length and width of our roads (*Interjection*) and their appropriateness or inappropriateness for cycling, have become members of the scheme and who presumably use it.

1300

That, coupled to the fact that there is no evidence of accident – I think the Hon. Chief Minister has just acknowledged – should lead the hon. Members to the conclusion that, whatever might be the other criteria by which they might want to make a decision about the future of this scheme, and it is entirely a matter for them and policy, safety would be a bogus one, because the idea that you stop 419 members using a scheme on safety grounds, whilst not replicating the same prohibition – or rather, protective attitude – to all the other citizens of the community who are using our roads would lack a degree of logical application of concern for safety.

1305

The final point I would ask you to acknowledge would be relevant, Mr. Speaker, is the fact that all uses of the road are dangerous, whether you are in a car, whether you are a pedestrian. Look, perhaps that one of the most dangerous things people do on our roads is ride motorcycles. It is part of the risks of living. Nobody said, 'Well, we're going to ban motorcycles, or the Government is going to form a view on an activity on the basis of the safety issues about it.'

1310

Would the hon. Member acknowledge that, except in some capital cities in which on *some streets*, not all of their streets even, on some of their streets they may have cycle lanes and even cycle pavements, lanes on cycle pavements, in almost every city, capital and non-capital, where this scheme exists, they are used on roads without cycle lanes, on many occasions in many circumstances, and that that is not regarded as being a valid reason for discontinuing a scheme that is thought, *if it is thought*, by the Government to be valuable in other respects and for other reasons.

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1320

Hon. Chief Minister: Mr. Speaker, I fear this is the sort of debate where we concentrate on *disagreement* because we are in Parliament whilst, if we were sitting around the table having a coffee, we'd be mates agreeing on much of what we're saying.

1325 The hon. Gentleman prefaces his question by saying 'Doesn't he agree that it is bogus for them to say that safety is a consideration?' Of course, I cannot agree that what we have been talking about is bogus (*Interjection*) but, Mr. Speaker, look, a Prime Minister – not a Chief Minister – a Prime Minister has said on this subject – which the hon. Gentleman will know, he is quite enamoured of that: 'one takes one's life in one's hands when one gets on one's bike', in particular in London, to go from where he used to live down to Downing Street, or wherever his offices happened to be, probably at Portcullis House at the time, when Security allowed him to go to work on his bike. So we are not saying... this is not a nanny-state approach to the whole thing, where we are saying you can only have GibiBikes if we can put a third wheel on them and you're in cotton wool.

1330 But that is not to say that safety is a bogus concern. Safety is, of course, a concern if you are going to further roll out the scheme and if you are going to try and encourage more people to use this mechanism. If you are going to use it for that paradigm shift and, Mr. Speaker, of course he is right, and we agree, one of the concerns that needs to be put in the mix – it is not the only concern, it's *one* of the concerns that needs to be put in the mix.

1335 The hon. Gentleman said that one of the most dangerous things that people do on our roads is drive mopeds and we are not looking to 'illegalize' that. I will agree with him to this extent; I think one of the most dangerous things that people do on our roads now is walk because of the way that people ride their mopeds and how that can affect people who are perfectly legitimately walking about their business.

1340 This is not a nanny-state approach to the GibiBikes, which we are not prepared to take in relation to other matters. It is that this is a factor, as the hon. Gentleman has said in answer to the first question, in respect of further roll-out, because Gibraltar is not London, and Gibraltar is not Oxford, but in London and in Oxford there are many accidents involving cyclists, not necessarily involving the public bike scheme: sometimes – in fact, I think even more often – I venture to say, because the schemes have not been around for very long, involving peoples' private cycle bikes that they have been using for many generations. Would that we never see the sort of accidents that have been seen in cities like that.

1345 But Gibraltar is *small* and injecting 419 bikes, or perhaps going even further and injecting another 400 bikes, *could* create a number of issues. *One* of those issues is the safety concern that we, as a Government, believe, as a matter of policy, has to be one of the things in the mix, in the equation, when determining further roll out.

1350 But I want to acknowledge, before I sit down, the hon. Gentleman's positive attitude in respect of the failings of the scheme, and how the Government, whether it is contracted by one political colour and then followed up by a Government of another political colour, is entitled to have got the product that the taxpayer has paid for. I acknowledge his support in that and, whilst I am here – I know there is another question on the Order Paper – it is opposite now, his support also, in respect of the other matter which has been ventilated in public, which is the tunnel under the runway and the claim in that respect, where he has publicly already made the same sort of statement as is made in respect of the contract in respect of these bikes.

1360

SPORTS, CULTURE, HERITAGE AND YOUTH

1365

City Fire Brigade Installation of smoke extractor system

Clerk: Question 353, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister with the responsibility for the Fire Brigade tell us if the new smoke extractor system has been installed at the City Fire Brigade?

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

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

Officer has already identified the most suitable exhaust system and is in the process of purchasing it, with a view to installing it as soon as possible.

1380 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister elaborate on what ‘as soon as possible’ means; within the next few days, few weeks, few months?

Hon. S E Linares: I am hoping that it will be in the next few weeks, but it cannot be guaranteed. But, yes, in the next few weeks.

1385

**City Fire Brigade
Start of audit and site of new fire station**

1390 **Clerk:** Question 354, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister with the responsibility for the Fire Brigade tell us if the City Fire Brigade’s audit has started and where the new fire station will be sited?

1395 **Clerk:** Answer, the Hon. Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr. Speaker, the Government has already decided who will conduct the City Fire Brigade’s audit.

1400 Sir Ken Knight, who is the UK Government’s Chief Fire and Rescue Adviser for England since 2007, has been appointed to conduct the audit, and will begin sometime after the Olympic Games in London, since he forms part of the COBRA Committee.

As to the second part of her question, Government is not in a position to state where the new fire station will be located.

1405 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, does the Minister have a cost for the audit yet?

Hon. S E Linares: Not exactly, because it depends on how long the audit will take and, therefore... It is on a cost basis. It is whatever it costs to fly people over and the time they take – that is the cost. So we won’t know until they actually do the audit.

1410 **Hon. S M Figueras:** Mr. Speaker, has the Minister not obtained a quote for this-

Hon. S E Linares: Sorry?

1415 **Hon. S M Figueras:** – has the relevant Department not obtained a quote of the expected cost for the audit?

Hon. S E Linares: No, because I think what the offer was from the very beginning is a very, very, very good offer.

1420 That means that Sir Ken Knight will not be charging normal charges for his duties. He will just come over on a cost basis, not as a professional, but on what it costs to do the audit, so therefore there is no implication of... as if he was doing it for the UK. So I think it is a very good deal. He is a very professional man and, therefore, we should be grateful at the fact that he is doing the audit in the way he has actually agreed with us.

1425 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, will the audit be tabled in Parliament?

Hon. Chief Minister: Mr. Speaker, I do not think that sort of audit is the sort of document that we would table in Parliament but I think it’s not something that we would pretend not to share with Members opposite. Rather, even if we don’t go through formal tabling, I think it is the sort of document that they should have access to, whether or not we decide it should be published.

1430

My inclination, as the Hon. Leader of the Opposition will know, is that reports of that sort should be published. Unless there is a good reason why it should not be published, it will be, but even if it should not be published, it should certainly, in my view, be shared with Members opposite.

1435 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister confirm if, once the audit has been conducted, then he will be in a position to tell us where the new fire station will be sited?

Hon. S E Linares: Well, they do go hand in hand because, depending on the outcome of the audit...
1440 The thing is that the audit should identify our needs – our future needs – and therefore that will help out for us to formulate and to prepare for the new fire station: so, yes.

1445 **Civil Contingencies and Departmental Press Officer**
Current status of post

Clerk: Question 355, the Hon. Mrs I M Ellul-Hammond.

1450 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister for Civil Contingencies tell us if the post for Civil Contingencies and Departmental Press Officer has been filled, how many people applied, and if this is a newly created post?

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

1455 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr. Speaker, the post for Civil Contingencies and Departmental Press Officer has *not* been filled.

A total of six applications were received and interviews were carried out on 10th May 2012. The post *is* newly created.

1460 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, is this newly created post part of the restructure of the Civil Contingencies administrative structure, and if so, how has it been restructured?

Hon. Chief Minister: Mr. Speaker, this post comes about as a result of, I believe, a long-standing request, or a long-standing proposal, by the previous Government's, and the current Government's, consultant on this
1465 issue, Mr. Edmonds, who I understand has long been suggesting that there was a need to have in place the ability, as part of the civil contingency issues, to communicate nationally and internationally in the event of a civil contingency. The new Government's own view is that this was an area that needed bolstering – so it is a combination of both of those factors.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, was this job advertised with the ETB?

Hon. S E Linares: The job must be advertised through the ETB. It is a legal requirement.

1475 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, is this the position where retired Lt. Colonel Stuart Green is being considered for and he is, or was, the MoD's Press Officer?

Hon. S E Linares: Mr. Speaker, I am not in a position to say exactly the names of the six applicants. I don't think it is right, in Parliament, to say who the six applicants were at this stage.

1480 The answer has been that it has not been filled, so I think it should not be the Minister who states who is the person who is going to get it...

Hon. P R Caruana: Mr. Speaker, the hon. Member is aware that the *Gibraltar Chronicle* has commented publicly on one candidate but not the others so it is a rather peculiar state of affairs, I am sure he would agree.

1485 Mr. Speaker I just, if the hon. Member will allow me, just like to take up the Hon. the Chief Minister on something that he has said. As he knows, the Civil Contingency Committee is a creation of my administration

and, indeed, he may also be aware that it is one of those issues that we needed, to struggle with the United Kingdom and its representatives in Gibraltar, to obtain *local* governmental control over. It was one of the activities – emergency response – that they, in our view mistakenly, held the view belonged to the Convent, even though they did nothing about it, of course.

1490 Mr. Speaker, our experience, will the hon. Member agree to give some consideration to? It was done . . . the media aspect of civil contingencies was done by the Government’s Media Officer, just as other aspects of the Civil Contingency Committee was done by people who had another full-time job, so the Government’s Technical Department personnel, the Government’s Health Department’s personnel, the Government’s Environmental Department’s personnel – these guys all have full-time jobs, *and*, in the context of the civil
1495 contingency, adopt that expertise and deliver it through the Civil Contingency Committee in the context of its work.

Would he consider two things; first of all, that there would not appear to be any particularly logical basis for ring-fencing the *media* function of the various civil contingency functions for needing *exclusive* resource; and, secondly, would he consider that if it is true that the successful candidate here is going to dedicate
1500 himself to civil contingency media work, and this is not a side door or even a back door to be moved, then, to a more meaningful media job in the Government, that there really is *insufficient media work* for such a person to do as a civil contingency media –

I don’t say this in any way other than just to share with the hon. Member my experience of this – with the best will in the world – that I am delighted they remain committed to the Civil Contingency Committee and I am delighted that it is their policy to increase its resources and to further develop its expertise and resources. But, frankly, Mr. Speaker, I would urge you to consider whether employing a dedicated media officer who, necessarily, will have practically nothing to do for much of the time, is not the first place to start in increasing its resources. Will he put my mind at rest that this will not result in some... order of time that he will, no
1505 doubt, ensure were decent, if it happens at all, for this successful candidate, whoever it might be, to move to other media pastures? In other words, this is not a side or back door to a Government media job or to a post for a Civil Contingency media job. Will he also consider that the successful applicant – if they do decide to proceed with this appointment – should be somebody who, as we always used to do when we employed non-Gibraltarians, were completely committed to working on this issue exclusively for the Government of Gibraltar and represent nobody else.
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Hon. Chief Minister: Mr. Speaker, I understand that not all the six applicants are foreign. (*Interjection by Hon. P R Caruana*)

There are some local applicants –

1520 **Hon. P R Caruana:** It depends whether you treat British people as ‘foreign’.

Hon. Chief Minister: Indeed, but there may be some there who are not British.

Mr. Speaker, the hon. Gentleman will know that, in the time that he created the Civil Contingencies Committee, he was never criticized by the Opposition for having done so. The idea that in a *civil* – and that very word gives part of the game away – in a *civil* contingency, *automatically* issues of internal security should be engaged is one which makes absolutely no sense and, unless there are *clear* internal security issues engaged, then all matters in Gibraltar are managed by the Gibraltar Government, which is what the General Election results in. People choose a government in a General Election to run everything that is given to us under the constitution and that includes every civil contingency. If there are aspects of the civil contingency which have internal security connotations, in the same way that there are aspects of daily life which involve the Royal Gibraltar Police which do not come under the control of the elected Government, of course I accept that and I support the fact that a Committee was created for that purpose under the Gibraltar Government, under the new Constitution. So, Mr. Speaker, that he can take from me.
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Mr Speaker, the hon. Gentleman will see from the *title* of the post that it is a ‘Civil Contingencies *and* Departmental Press Officer’ because I hope he agrees with me that we all wish that the person charged with civil contingencies’ issues should not have a lot of work to do, other than training when that is necessary.
1535

So, Mr. Speaker, I believe that if there is to be an increase in the civil contingencies compliment, then it needs to be in respect of being ready to deal with a contingency when it occurs, which will not be often. Therefore, we take the view, as well, that whoever is employed needs to be doing a meaningful job in respect of the rest of their time. Mr. Speaker, as a result of that, the job has a dual sense; I think he may know that,
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1545 since 9th December, there has been a restructuring of the office – what was called the Office of the Chief Minister. We take the view that the Office of the Chief Minister is the incumbent and that it is the Civil Service that provides the service to the Chief Minister... There has been an element of restructuring of the Media Office – of the back of the Media Office – in other words behind Clive Golt, and there may be a need to bolster that service on a day to day basis, not necessarily at No. 6 Convent Place but elsewhere in the wider Government.

So, those issues, which the hon. Gentleman has brought to my attention, I do consider and I am grateful for him having highlighted them.

1550 **Hon. P R Caruana:** Mr Speaker, in the past, hon. Members, when they were in Opposition, were critical of the Government when we appointed retired persons in receipt of a pension to publicly funded posts, which they took the view should be available to persons in a different stage of their economic life-cycle. It is not a view that, by the way, I entirely share. I think it is 'horses for courses'. It depends on the expertise involved, it depends on the availability of the expertise.

1555 I never shared the then Opposition – now Government's – view that it was *intrinsically* wrong to engage retired people, or people who were retiring from a post and to claw their expertise back, but certainly we used to take the view that it was subject to the over-riding principle that there was something that prevented somebody from being appointed who wanted a job and who was still engaged in that stage of the working life.

1560 Can I just ask the hon. Member to clarify for me – I am grateful to him for pointing out the reference to the Departmental Press Officer – could he point out whether this is a *sequitur* or a *non sequitur*: in other words, 'vacancy for Civil Contingencies and Departmental Press Officer', does that mean Press Officer for the Department in which Civil Contingencies lives, so that he is the Press Officer for the Department in its Civil Contingency and non-Civil Contingency functions, or is this 'departmental' in the plural sense, vacancy for Civil Contingencies *and* Press officer for all the Government Departments?

1565 **Hon. Chief Minister:** Mr. Speaker, I think there are two questions there and I'll take them in turn. The first, Mr. Speaker, is that he is right. We do not believe that people who are retired and who have a pension and who are therefore economically self-sufficient at that stage should be taking jobs away from

1570 people who are unemployed or who are looking to, in a younger stage in life, improve their lot. I agree with that position now, as much as I am in Government as I did when we were in Opposition making the point, but there are some instances where, and I think it is a question of degree between us, where if you are looking for *specific* sorts of expertise, there may not exist in younger people that expertise,

1575 But, Mr. Speaker, if you do, therefore, find yourself having to take somebody on who is retired, I do not think one should fall into one of two traps that the hon. Gentleman fell into, which I hope I and my Government will avoid. The first is appointing and the hon. Gentleman knows, and it is an issue of dispute between us that, in some instances, we believe people were appointed like *this*: they were told that they had the job because, politically, the hon. Gentleman took the decision that they should have it. We do not believe that should be the case and, certainly, what we do not, and will not do, is say that people cannot *apply* for a job to a board that then makes a recommendation.

1580 Mr. Speaker, if somebody were to be appointed who is a retired person, because that person has the necessary expertise and that expertise may not be available from others then, in *my* view, what must also be done is that we must find somebody who can be appointed with them, alongside them, to distil that expertise so that, at the end of what I hope would be a relatively short period of contracting – that example – there is a younger, hopefully always in our lexicon, Gibraltar, person or Gibraltar-resident person who will have distilled that expertise and that can then take the job for the longer period. That is the first point and, Mr. Speaker, I told him, in relation to the second point, that there had been a restructuring of what is behind Clive Golt as the Chief Press Officer.

1590 Mr. Golt is the Press Officer to the *Government*, not just to the Office of the Chief Minister. But it is clear, and I think he will agree with me that it is clearly the case that the Office of the Chief Minister is the one that produces the *most* interaction with the press when there is not just a civil contingency but, for example, a Royal visit cancelled as a result of something happening on the ground –

1595 **Hon. P R Caruana:** ... [*Inaudible*] the case before Dr Cortes was elected into Government. I don't think that is the case any more! (*Laughter*)

Hon. Chief Minister: – but there are, in the Departments, also things going on which need to be communicated to the electorate, to the public and to the wider world.

1600 Therefore, what we are looking at doing here is to keeping some of the Press Office expertise, functions and resource available to the Chief Minister and No. 6 Convent Place, where the Deputy Chief Minister also happens now to be, and making available to the other Departments a co-ordinator for *their* PR purposes and their – I should not say PR – their communications purposes. So that is how we think that this could work.

Clerk: Question 356 –

1605 **Mr. Speaker:** Before we move to another topic, would this be a convenient moment for a short comfort break?

The House will recess, say, for 10 minutes maximum.

1610 *The House adjourned at 11.20 a.m. and resumed its sitting at 11.35 a.m.*

**Gibraltar Sports Authority Board
Details of meetings since Question 246 of 2012**

1615

Clerk: Answers to Questions continue.
Question 356, the Hon. E J Reyes.

1620 **Hon. E J Reyes:** Mr. Speaker, can the Minister for Sports and Leisure provide details of dates when the Gibraltar Sports and Leisure Authority Board have met since his answer to Question No. 246 of 2012?

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

1625 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr. Speaker, the Gibraltar Sports Authority Board met on 4th April 2012. The next meeting is scheduled for 23rd May 2012.

1630 **Hon. E J Reyes:** Yes, Mr. Speaker, and at that meeting did the Hon. Minister, as Chairman of the Board, have occasion to raise and discuss with them what he said in the March meeting that he had no problem with, and that was to consider whether these meetings might perhaps be held in public, or publish the minutes of said Board meetings?

1635 **Hon. S E Linares:** Yes, we did have a discussion on that issue and the Board was of the view that it should not be a public meeting, but that there could be elements of the deliberations of the Board that could become public. It could well become public because, through the website – the new website that the Sports and Leisure Authority are currently constructing...

1640 The website will have lots of information to do with the Board: they will have an independent website. It is nothing to do, really, with the question but I thought that, because all the other questions that the Shadow Minister is posing to me – which I am happy to answer – will be answered through the website. So this is one of the issues that will be highlighted in the website. Will be in the website.

Hon. E J Reyes: Thank you, Mr. Speaker, and any inclination of dates by when this website might be operational?

1645 **Hon. S E Linares:** Unfortunately, I have not got dates but I can say that the Chief Executive has already identified somebody who is working with the staff there in order to build up the website, so should I say ‘imminent’, ‘soon’, ‘a couple of weeks’, ‘months’, hopefully? So it is coming soon.

1650 **Hon. E J Reyes:** Okay. I think, perhaps, that one might know the answer but, just for the sake of the record, will the Sports Authority then make it public once the website is fully operational and guide people as to how to tap in and access and so on?

Hon. S E Linares: Yes, I hope so.

1655 Websites usually have a lot of links and lots of information on them and I am hoping that by the Sports and Leisure Authority themselves controlling the website, that all the information appertaining to sports and leisure and what is to do with the Bayside Complex will be in the website, so that *they* will decide what is in the website.

As a Minister, I will not have any input as to the information. I could have input by putting a foreword or some press releases but the control will be from the Sports and Leisure Authority.

1660

**Gibraltar Sports Advisory Council
Details of meetings since Question 243 of 2012**

1665 **Clerk:** Question 357, the Hon. E J Reyes.

Hon. E J Reyes: Mr. Speaker, can the Minister for Sports and Leisure provide details of dates when the Gibraltar Sports Advisory Council and / or any of its sub-committees has met since his answer to Question No. 243 of 2012?

1670

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

1675 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr. Speaker, the Gibraltar Sports Advisory Council has met on the following dates: Sub-committee meeting on 15th February 2012, carried on 16th February 2012; full Council meeting on 24th February 2012; Sub-committee again meeting on 28th March 2012; and the full Council meeting was on 9th May 2012.

1680 **Hon. E J Reyes:** And, likewise, Mr. Speaker, last time the Hon. Minister did say that he would even dare to propose himself, the public attendance at meetings and publication of minutes, and so on. Do we have any further updates on that issue?

Hon. S E Linares: Yes, and I did actually propose it .

1685 The Council thought that we should not have public meetings, as such, for the simple reason that these are people that are selected by the sporting fraternities associations onto the Board, and that they were quite satisfied that information was filtering down. But as I have just answered to the previous Question, I asked them whether it would be feasible – because *I* wanted it to be more open and transparent – whether information can be put through the Sports and Leisure Authorities website. They acceded to that: they said that they had no problem with that, and that probably even minutes will be published on the Sports and Leisure Authority website.

1690 So I am quite happy that they feel comfortable at how we can have all these meetings more open, more transparent, so that the public can know exactly what has happened during these meetings – at least what in the general terms, rather than in the specifics of what everybody said in the meeting.

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

1695 I would record my gratitude to the Hon. Minister for having followed that one up and, likewise, I think I can accept his word that as soon as possible this will be up and running, and I concur with him; I don't think we have ever questioned, on either side of the House, the transparency of the meetings, but rather that people get the correct information because some information is disseminated in an after-meeting coffee or drink and then it becomes second- or third-hand information and sometimes people get a bit upset because they have not quite heard the full deliberations that have been carried out at the Advisory Council level.

1700 So, yes, he can count on my full support just to ensure that all sporting associations, whether they, for that particular year, hold a seat on the Advisory Council or not, so that they are as acquainted with deliberations and recommendations as much as possible.

Thank you.

1705 **Hon. S E Linares:** Yes, Mr. Speaker; just to add that I thank the Shadow Minister for acknowledging that.

When I said about open and transparency I did not intend to mean open and transparency in a political sense, in any way. I think it is meant for the fraternity of sports, and I concur with him that there are, sometimes, many issues that come up and there is a lot of quarrels, fights, controversies with things that people said or not said.

1710

By doing this, I think it will avoid all these sometimes misrepresentations of what people say, or did not say, in meetings and all that.

So thank you.

1715

GFA application to join UEFA
Details of improvements required to existing football facilities

1720

Clerk: Question 358, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of improvements which may be required to the existing football facilities in order to ensure that the Gibraltar Football Association meets its requirements in respect of the pending application for membership of the European Governing Body of the sport?

1725

Clerk: Answer, 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, there are a number of options which are currently being examined by the Government and the Gibraltar Football Association, in conjunction with the requirements of UEFA, and in accordance with the advice that UEFA is providing. A reply to this Question will be provided once a decision on these options is taken.

1735

Hon. E J Reyes: Yes Mr. Speaker, I ask this Question because I know that we have quite good, high level of sporting facilities but yet membership of a particular governing body – and I can think of a sport other than football – sometimes have peculiar circumstances that require them to throw in additional things. And there is a fair amount of talk already happening amongst other sporting associations, feeling that the new sort of impetus and a more realistic pending application from the Football Association might mean that other sports would end up, perhaps, losing out on current existing facilities.

1740

It may be too early a stage for the Minister to be able to commit himself but can I at least get form him some acknowledgement that other sports would not lose out despite whatever additional facilities we may have to provide for the football fraternity.

1745

Hon. S E Linares: Yes, Mr. Speaker, he can get that assurance and I can assure the sporting fraternity that that will be the case, that they will not lose out in any of their facilities.

We are looking at *additional* facilities and therefore the operative word is 'additional'; that means that it will not affect what is there currently, and we are hoping that it would be even *better* for other sports, so it is a question of a balancing act, as to how far we go with one without affecting others and, for sure, this Government will try its best not to affect any other sporting facilities in whatever way that the hon. Member might think that we are taking away from one sport and giving to the other. That will not be the case.

1750

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

I look forward to the hon. Member, even sometimes without waiting, perhaps, to even have to be prompted by me at a particular Question Time, if he does become aware of some developments that would be mutually beneficial to the whole sporting fraternity in Gibraltar, perhaps he can keep me posted through simple correspondence or e-mail so that we may both, together, work as partners in achieving this rightful application that I believe should carry unanimous support from this House in respect of the Football Association's application?

1755

1760

Hon. S E Linares: Sure, I will do.

**Heritage Action Committee
Number of meetings met since Question 240 of 2012**

1765 **Clerk:** Question 359, 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 his answer to Question No. 240 of 2012.

1770 **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, as stated in supplementary answer to Question No. 240 of 2012 the Government agreed to meet the Committee once every three months. Therefore, fulfilling this commitment, the next meeting is scheduled for 31st May 2012.

1775 **Hon. E J Reyes:** Sorry, Mr. Speaker, my copy of *Hansard* of what was answered in Supplementary to Question No. 240 was that the Minister said that the Heritage Action Committee were now given the opportunity of meeting bi-monthly. Is that the option, bi-monthly or quarterly?

1780 **Hon. S E Linares:** No, Mr. Speaker, what happened was that, in the Heritage Action Committee itself, I put that I wanted it to be bi-monthly. They actually said that it was not necessary and a three month period was enough. I actually offered to say, 'Well, if after two or three meetings we need to have bi-monthly meetings, we will have it.'

1785 Basically, we will have it as many times as the Heritage Action Committee wants to have the meetings. I am not the one to state... They are the ones to say, we, usually, when the meeting is finished, we say 'Well, can we now identify another date?' Sometimes, people say 'Can we meet within two months?' So be it. As long as my diary is available, I will be there to meet them as often as they want.

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

1790 So, in a nutshell, what we are saying is there should be a quarterly meeting but, depending on personal diaries and, in fact, depending perhaps on pending matters that sometimes need to be followed up, the frequency could even be greater than that. So we are establishing that, if anything, there's going to be an increase in meetings over a 12 month period rather than a decrease.

1795 **Hon. S E Linares:** Yes, sir.

HEALTH AND ENVIRONMENT

1800 **Tree plantings since 1st January 2012
Details of costs, suppliers and tender processes**

Clerk: Question 381, the Hon. S M Figueras.

1805 **Hon. S M Figueras:** Mr. Speaker, can the Minister for the Environment provide this House with details of trees planted in Gibraltar since 1st January 2012, including details of costs, suppliers and tender processes relevant to their procurement?

1810 **Mr. Speaker:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the number of additional trees planted since 1st January 2012 is 103. This does not include any trees that may have been replaced by service providers if they have perished.

1815 I am handing over a list of trees that have been planted.

Answer to Question 381 of 2012

TREES PLANTED SINCE JANUARY 2012

2 ceiba insignis - Waterport flower bed
4 metrosideros - opposite Gasa between palms
1 tamarisk gallica – Entrance to Commonwealth Parade car park
1 metrosideros – planter outside Victoria Stadium, opposite Sundial
4 metrosideros - flower bed adjacent to public toilets opposite sundial
1 ficus benamina - small flower bed adjacent Ocean Village
6 metrosideros - Corral Road
18 cupressus sempervirens stricta - Centre reservation Waterport
4 quercus robur - lower Red Sands Estate
4 ficus nitida - Varyl Begg Estate
10 quercus ilex - gun embrasures Waterport
4 lagunaria trees - Laguna Estate
2 salix babylonica - Edinburgh Estate
3 robinia pseudoacacia - Edinburgh Estate
1 crataegus monogyna – triangular island opposite evacuation roundabout
11 tipuanas – Rosia Road opposite Jumpers
4 cupressus macrocarpa - Planters below steps outside St Bernard's Hospital
1 populus simonii – Saluting Battery
22 cupressus leylandi – Glacis Estate

Total 103 trees

The cost of supplying and planting the trees was £12888.20, Gibrat-Flora and Greenarc were the suppliers and carried out the planting. Quotes were sought for specific trees in specific areas.

1820 **Mr Speaker:** Whilst awaiting a Supplementary may I compliment whoever was responsible for the improved plants in the lobby of this building. Is it the Minister's Department?

Hon. Dr J E Cortes: I would assume it is so but I can assure you I have not been personally involved.

1825 **Mr Speaker:** Well, you can accept Departmental responsibility and therefore I compliment you.

Hon. Dr J E Cortes: Thank you.

1830

**Proposed Commonwealth Park
Geotechnical surveys**

1835 **Clerk:** Question 382, the Hon. S M Figueras.

Hon. S M Figueras: Mr. Speaker, can the Minister for the Environment confirm whether any geotechnical surveys have been conducted in the area of the proposed Commonwealth Park?

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

1840 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr. Speaker, to date no geotechnical surveys have been conducted in the area of Commonwealth Parade car park. The design of the Commonwealth Park project is underway and any necessary geotechnical investigations will be undertaken at the appropriate time, as the design progresses.

1845 **Hon. S M Figueras:** Mr. Speaker, perhaps the Minister can just clarify for me, whether these geotechnical surveys are required before the design process to establish whether or not the project itself is viable, as planned or at all? Or whether they just form part of the project when it commences and there is absolute certainty that it will, indeed, commence.

1850 **Hon. Dr J E Cortes:** Mr. Speaker, the design is now being tightened up and, depending on where the different items that are going to go in the park are located, the project will have to...

1855 The technical survey will depend: if you are going to put a lake in one area, you need to take on a different kind of survey than if you have to put it in another – so this is part of the process and as and when a necessity for any particular type of survey is identified now that the design is going actually to be laid out, then the necessary investigations will be carried out.

1860 **Hon. S M Figueras:** Mr. Speaker, my line of enquiries is actually focused more on the provision of the two floors, or rather on the provision of approximately 700 or so parking spaces, which is also approximately double the current number of car parking spaces in the Commonwealth car park, and I am intrigued whether the Minister can shed any light on whether the Government has a better idea, in respect of its ability to provide these 700 or so parkings underneath the Commonwealth Park, as they did in the manifesto?

1865 **Hon. Dr J E Cortes:** Mr. Speaker, we are considering alternative locations to that car park (*Laughter*) and, once the decision on that is taken, then we will be able to see whether, in fact, it is going to go under there and what surveys will then be required.

1870 **Hon. S M Figueras:** Mr. Speaker, it seems rather defeatist – in the absence of any suggestion to the contrary – that the Government has proceeded to consider alternative locations, without actually establishing whether it is appropriate, possible, feasible, for economic or other reasons, to locate the car park underneath the Commonwealth Park, as illustrated so very clearly in their colourful manifesto, and I would ask the Minister whether he has actually given any thought, or sought advice, in respect of locating the parking spaces beneath the Commonwealth Park?

1875 **Hon. Chief Minister:** Mr. Speaker, it is not just the Minister but also the Chief Minister have sought advice, both technical and financial, about where to put these car parking spaces, both before the Election and after, and I know that the hon. Gentleman likes to refer to our manifesto as ‘colourful’, which I will interpret as *brilliant*, but the manifesto is very clear about what happens in respect of those car parking spaces; in other words, they will be underground or, if that cannot be the case, they will be provided elsewhere.

1880 So, Mr. Speaker, if ‘cannot’ can mean that it is also economically more viable to provide that *number* of parking spaces – I am not trying to wriggle out of the number of parking spaces – then I am sure they will want to agree with us that that is a much better use of taxpayers’ money. So, as I have had cause to say to him in previous sessions of the House, Mr. Speaker, and as my hon. colleague, the Minister for the Environment, has had cause to say to him in previous sessions of the House, he need not fear, he will soon be able to walk along the highways and byways of a lush garden in the centre of our city to be known as Commonwealth Park and he will be able to park his seven hundred cars as a resident of Gibraltar for nothing in the parking provided either underground, or elsewhere, at the same time as the park is provided.

1890 **Hon. S M Figueras:** Mr. Speaker, I refer only to the colourful manifesto – and my interpretation is certainly different to that of the Hon. the Chief Minister – because it is very clear in what it says. It says that it will provide the Commonwealth car park... they will create an underground car parking facility, subject to a geotechnical survey.

My question is, therefore: the original question, indeed, sought to elicit from the Government whether that

1895 geotechnical survey was, indeed, carried out and whether it was as a result of that survey that the Government had taken the decision to look at alternatives. Have any geotechnical surveys been conducted to assess the feasibility of locating the underground parking where it was originally intended to be so?

1900 **Hon. Chief Minister:** It is just that assessing the feasibility – in other words, working out what it will cost – does not just depend on a geotechnical survey and, for that reason, it may not be necessary to get to the stage where a geotechnical survey is undertaken, if the Government is presented with a financially more viable – i.e. cheaper – option which is just, if not more attractive, for the parking, free of charge for residents, of 700 vehicles.

1905 I am sure what the hon. Gentleman is *not* saying is that we *have* to do the geotechnical survey at a cost to the taxpayer, if the Government has been presented with a *better* option to produce the 700 car parking spaces, on the terms provided for in the paragraph of the manifesto.

1910 **Hon. S M Figueras:** No, Mr. Speaker, I am not saying that they *have* to carry out the geotechnical survey. I am merely alluding to the fact that the manifesto set out, really rather quite clearly, that the location of the underground car parking was a decision that they would make, subject to a geotechnical survey. That things have changed since, and that I accept entirely.

1915 However, these financially cheaper or more attractive options that the Hon. the Chief Minister refers to as having been suggested – or I am interpreting as having been suggested or proposed to Government – is the Hon. the Chief Minister in a position to articulate, perhaps, some of the details of any of the proposals?

1920 **Hon. Chief Minister:** Yes, Mr. Speaker, I am, but I will not, because we will make a statement when we have got to the end of that negotiating process that we are undertaking with those who have made the proposal to us. It will become very clear, if we can go down that road, why that is a more viable option, and it will become very clear, if we cannot go down that road, because we will be telling him that we are undertaking a geotechnical survey in order to provide the car parking underground.

1925 So I think, in the fullness of time, all of this detail will emerge but, at the moment, we are not in a position to say, other than a proposal has been made – that is what we are going with. But, rest assured, he will be able to park his 700 cars and he will be able to walk along Commonwealth Park before the Election!

1930 **Hon. P R Caruana:** Mr. Speaker, I wonder if I could just help the hon. Member a little bit further away from a commitment to his own manifesto commitment. I know that there are qualifications in it but the qualifications were much less highlighted than the colour photographs, of which there were many!

1935 Mr. Speaker, I think we can all agree that the introduction of urban green areas and urban parks is not just an amenity – without getting bogged down in what that word exactly means – but both, not just as an amenity but also for urban environmental reasons, it is something that is very worthwhile and very welcome. We had projects to do it in several places, too.

1940 I just wonder whether, if the hon. Members are reconsidering, or considering, in the light of what they claim now to know and not to have known before, despite my telling them in the Election campaign – and being not fooled by them – that they would find precisely this... but, if they are reconsidering their location of the car park, I wonder whether they would be willing to reconsider the location?

1945 I know they are keen to sort of re-brand everything and make sure that everything looks made by the GSLP and not made by the GSD – but I wonder whether they would reconsider even relocating the *park*, on the grounds that, whilst the natural environmental issues would be the same in the proposed location or in the one that *we* had proposed, in terms of the urban aesthetic environment, in terms of its contribution to the number of places that it can be seen from and the frequency with which pedestrians traverse that area, would not the hon. Members be willing to consider that where *we* were going to put it is actually a location for a green park that would add considerably to the aesthetic value, in terms of it being visible from Line Wall Road, from a wide opening, the whole of the Boulevard, the whole of the Palm Tree Boulevard. People – it is a transit area – walk through that area to get from town to all the main new housing estates in the development, there, as opposed to putting it in the Commonwealth Car Park where, really, you can only see it if you are standing immediately above it over the wall and looking down or, if you are driving along Queensway, or if you *go* to it, all of which have some merit...

I am not saying they have no merit but, in terms of ticking as many boxes as possible, of all the *doubtless* benefits that an urban park would bring, if the hon. Members are reconsidering the location of the car parking

aspects of that project, would they, with an open mind, be willing to reconsider the location of the park element, too, I dare ask.

1950

Hon. Chief Minister: What a strange session of Parliament, Mr. Speaker (*Laughter*)

Hon. P R Caruana: Sorry?

1955

Hon. Chief Minister: What a strange session of Parliament, where we are working together to make the urban environment (*Interjection by Hon. P R Caruana*) better!

Mr. Speaker, the hon. Gentleman will know – from his much more considerable than my experience as Chief Minister of Gibraltar – that Gibraltar is a bit of a jigsaw puzzle, and that moving one thing from one place to another involves other changes to contractual obligations that Government or others may have already acquired so, in preparing the manifesto when Opposition is not privy to all the contracts that the Government may or may not have entered into – some of them may have been publicly announced, but all the details of them may not have been publicly announced – so we knew that, in Commonwealth Park, there was no commitment from the Government to any developer for any building to be done...

1960

1965

Okay, so the jigsaw puzzle that is Gibraltar, when one produces a manifesto from Opposition, is seen in a different light to the jigsaw puzzle that is Gibraltar when one produces a Government manifesto from Government – and we won't get into all the other issues that that might have alluded to. Now, it is not that we did not know something then which we should have known, it is that from Opposition we believed that was the best place for a park, for other reasons. They dove-tailed to something that he had announced, and which is also in our manifesto, which is that there should be an element of a park in the mid-town project, as it had been announced by the hon. Gentleman before there was a display of what their vision for that was in their manifesto: I mean, people will know that parties are running manifestos, preparation of manifestos, at the same time.

1970

Our manifesto says also –

1975

'Naval Ground Park: we will also consider the best ways to increase the green areas to be provided in the city centre in the area of the intended mid-town project. Our preference will also be for a green area to be maintained in the area nearest to the leisure centre with an underground car park to be free for local residents.'

1980

So, Mr. Speaker, I agree with him that having a green area in front of that Boulevard actually would be a very positive thing, and there is also manifesto view for the GSLP now, and the Liberals now, in Government, that that should be part of what is developed for our city in the wider mid-town project.

1985

If he will just agree with me that if we deliver the mid-town project park part of it, and we deliver the Commonwealth Park part of it, then the leisure centre becomes the connecting part of two green urban parts of our city, almost which you could see through to from one side to another. I think, actually, you can, because of the configuration of the leisure centre, and that will make it seem an *even larger* green area and we would have even more urban value. So I agree with him that the area of what was Naval Ground Number One, as part of the mid-town project – however that may evolve – should be maintained for green because it is central and it is more visible, both from Queensway and from Line Wall Road.

1990

I hope that he agrees with me that there is great value, nonetheless, in also pursuing a different *sort* of green area park, not just green area, but park, at Commonwealth Park and that if, in the context of Gibraltar's continued social and economic development, which we cannot give up simply because we should have more parks, it is possible to ensure that we do have these two very attractive green areas, then our city will be a much better place as a result.

1995

Hon. P R Caruana: Yes, Mr. Speaker, in large measure that is correct. Certainly, having two parks is better than having one.

2000

I think, notwithstanding the apparent influence the Minister for the Environment has in his Government, nevertheless we need to keep Gibraltar's wide range of public interest and needs in mind, and it is not just a question of *gorging* ourselves on parks and satisfying, in great measure, our instinct as citizens to have as much green area as possible. One virtue of having a park in Commonwealth Parade is that it will discourage for all time any future Government from viewing that as a potential site for a building in proximity to the City wall. That is one virtue of building a park there.

On the other hand, Mr. Speaker, in terms of balancing, we do need to be careful that we do not allocate all

2005 of Gibraltar's open spaces to the same laudable green park agenda. For example, that site is used for the fair and it is one of the few sites that would be available to the Government in the context of a civil contingency. It would be one of the few sites available to the Government as a large open space for doing whatever needs doing. I don't profess now to have anything specifically in mind, but one could imagine that it is better for a community to have usable large open spaces near towns than not have large usable open spaces because we have given them all up to some other use.

2010 The only other large open space in Gibraltar that I think would fit this characteristic is the coach parks. It is not that we are eliminating the only one: there would still be the coach park. Whether the coach park is an appropriate venue for the fair is something for him to negotiate with the nearby residents – but, anyway, that is a matter for him. So that would be a virtue in *not* giving that particular site over to a park or perhaps not giving it *all* over to a site. One option may be to replicate a park the size of the one in the mid-town side, symmetrically the same size on the south of the leisure centre, leaving the rest of it available for something else or a playground.

2015 I am trying to address this in as non-partisan fashion as possible to ensure that the best urban use and the best balance of urban uses is decided, in accordance with a rational consideration of all factors, and does not become victim simply to a partisan manifesto... dominance battle.

2020

Hon. Chief Minister: Mr. Speaker, I am grateful for that.

2025 I am not going to assume that he is slowly and artfully luring me into a situation – that, we will provide as fabulous a park as we have proposed for Commonwealth Park somewhere else, only to see him or his successor in the estates just before the next General Election, saying that we failed. I am not going to assume *that*. I am going to assume that this is a *genuine* urban planning discussion that we're having about these issues and, let me just say to him that we are alive to that and that it is not a question of simply putting the parks first, it is a question of trying to get the right balance here.

2030 The MoD agreements that were done before 2011, when we were elected, also give rise to certain potential areas coming back around Naval Ground, in particular Rooke. He knows that our approach to GBC is not that GBC should go in there and, without prejudging this, I think he will agree with me that the current footprint of the buildings at Rooke is probably not the best modern use of that space, so that creates another potential issue there. And there are entities being moved just close to Rooke – I'm thinking of the Scouts and the Royal Gibraltar Yacht Club – which will make available an area which is large in that zone, although there may, or may not, be already certain developments earmarked which may or may not go ahead, as he has heard me suggest before, in that area.

2035

2040 I believe that Gibraltar's economic well-being is what is going to allow us to continue as we have always, I think, agreed across the floor of the House, to talk about our self-determination etc . . . That is fundamentally important to our existence as a people, much more so than whether, after 300 years of urban development, we can also have a park in the centre of our city. So we are alive to all of these issues, in particular where do you put a fair? Where do you put coaches etc? That is the jigsaw puzzle that we are now ourselves dealing with.

2040

2045 He should rest assured that the plan for Commonwealth Park and the plan to continue to use part of mid-town for a park does not, in our view, compromise any of those very legitimate issues which he has raised for reasons, that, as we make the announcements, if those proposals which have been put to us do prosper, will become evident.

2045

Achieving a carbon neutral Gibraltar Measures and timescale proposed

2050

Clerk: Question 383, the Hon. S M Figueras.

2055 **Hon. S M Figueras:** Mr. Speaker, in the light of the Government's stated ambition, as set out in its 2011 Election manifesto, to deliver a carbon neutral Gibraltar, and despite its acknowledgement that it may not be able to deliver that in four years, can the Minister for the Environment provide details to the House of Gibraltar's current carbon footprint, the measures it considers necessary, and how long it considers it would take to achieve this objective?

2060 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, it is the aim of this Government to achieve carbon neutrality although we are fully aware of the difficulties in doing so due to our current dependence on fossil fuels, both for our energy and transport needs, and also the current state of the renewable technology market. Nevertheless, the Government will remain fully committed to this ideal.

2065 At present, Gibraltar does not have the necessary reliable data to determine its carbon footprint. Work will be undertaken to try and obtain this data and establish this figure. Once that has been determined, Government will work to reduce that footprint, implementing the necessary measures which would include, but are not necessarily limited to; the introduction of clean renewable energy sources, the reduction of energy in transport by the creation of a sustainable traffic and management plan, a reduction in energy demand via the use of low-energy lighting, energy efficient building design, and the creation of greater awareness among the general public as to the need to reduce their own energy consumption via more informative feedback.

2070 Government is already actively working on these initiatives, such as by setting example in Government buildings and has engaged with both the Chamber of Commerce and the Federation of Small Businesses to take these principles forward. However, as very little work has been done on this in the past it is too soon to determine how long it will take to achieve carbon neutrality. Clearly, it is a long-term ambition. The actual timescales involved will depend upon a number of factors, including how successfully we are able to integrate a mix of renewable energy technologies, in number into our grid and how quickly the international market for renewable technologies and low emission vehicles develop. As these technologies become more advanced, Gibraltar will be better able to meet its goal. We would re-iterate, however, that this is not a pipe-dream but a very real ambition which is at the heart of this Government's environmental policy and ethos.

2075 **Hon. S M Figueras:** Mr. Speaker, I am grateful to the Hon. the Minister for referring to it being a 'pipe-dream' and I would ask him-

2080 **Hon. Dr. J E Cortes:** *Not* being a pipe-dream.

Hon. S M Figueras: – Yes, yes, indeed – but making reference to the fact of the 'pipe-dream' because of the exchange – yes indeed.

2085 Will the Minister agree that, along with the future jokes strategy, climate change is one of the signature additions to the manifesto of the GSLP at the last election and that it should certainly be prioritised, and (*Interjection*) does he consider that creating 700 parking spaces, where once there were 350, is consistent with that approach and its central environmental objective?

2090 **Hon. Dr. J E Cortes:** Mr. Speaker, the hon. Gentleman is assuming many things: firstly, that providing 700 parking spaces . . . necessarily means a net increase but, in any case, those 700 parking spaces *could*, in the fullness of time, be dedicated to hybrid or electric cars so it is something that one thing does not negate the other.

2095 **Hon. S M Figueras:** The manifesto refers to – sorry, Mr. Speaker – this ambition of carbon neutrality as a central environmental objective.

2100 On that basis, it is a matter of the utmost priority, surely, for the Government to identify that carbon footprint. I understand and take note of the comments that the Hon. Minister has made in that regard, in that it is a complex and complicated exercise, but I would press the Minister for an indication of how long, because I understand that the policy is not that you can achieve neutrality within four years – and I fully understand it, and certainly concur with that view – but establishing the carbon footprint is, and must be, the central priority if the objective is one of the central objectives of the Government.

2105 When is the Minister expecting we will see any development, or us getting anywhere nearer identifying the carbon footprint for Gibraltar?

2110 **Hon. Dr. J E Cortes:** No, Mr. Speaker, he is incorrect.

Establishing the carbon footprint is *not* the priority. The priority is reducing the carbon footprint *no matter what it is*, and therefore Governments' policy will aim at the reduction while we try to establish it. We will be

2115 able to measure the reduction, and *that* is a priority regardless of the carbon footprint.

Hon. S M Figueras: But, certainly Mr. Speaker, in order to measure the reduction in that footprint you must surely establish a starting point; unless, of course, I am mistaken, in which case I am happy to bow to his expertise on the matter.

2120 **Hon. Dr. J E Cortes:** When you replace a bulb which is highly demanding in energy with one that is less, you can measure the difference and hence measure *that* reduction without knowing how much the whole building is using. That is what I mean by that.

2125 **Hon. S M Figueras:** Yes, granted then, I accept that.
However, there are other situations in which carbon footprint may be increasing which you have thus far been unable to measure and that is simply the point I am making.

I would also ask that the Hon. Minister referred to the fact that the Government is already setting an example in respect of its own activities, and I would ask the Minister for some details on what those examples may be?

2130 **Hon. Dr. J E Cortes:** Yes, indeed. In fact a question later on refers to, I think, solar lighting so I will leave that till that.

2135 Government Departments are being encouraged to take all sorts of measures, including double sided printing and photocopying, in fact the Health Authority is doing that and is already showing savings. By making electronic equipment go on standby after half an hour instead of two hours, by automatically shutting down computers overnight, there is a whole list of items. If he were to have given me notice I would have produced the information but we are already taking firm steps and, as I said before, engaging with the private sector with very good response, encouraging them to follow suit.

2140 **Hon. S M Figueras:** Mr. Speaker, just one further point to raise. The Hon. Minister referred in his answer to the original question to the fact that certain technologies are not advanced enough yet.

2145 However, Mr. Speaker, there are many cities around the world who are leveraging this technology to great effect, particularly, you know, the use of hybrid vehicles and other alternative energy vehicles on Government fleets and encouraging and incentivizing the use by the general public of those vehicles. How advanced does this technology have to be before steps are taken to adopt or incentivize it?

Hon. Dr. J E Cortes: Mr. Speaker, three words; watch this space.

2150 **A Member:** Oh!

Hon. S M Figueras: Three words, Mr. Speaker – not helpful at all! (*Laughter*)

A Member: That's four!

2155

**Renewable energy strategies
EU funding sought since 9th December 2011**

2160 **Clerk:** Question 384, the Hon. S M Figueras.

2165 **Hon. S M Figueras:** Yes, Mr. Speaker, can the Minister for the Environment provide details to this House of any EU funding sought since 9th December 2011 in respect of renewable energy strategies, as referred to in its manifesto.

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, during my recent visit

2170 to the UK I discussed the subject with officials at the Department of Energy and Climate Change (DECC). We are awaiting further information from them, but the matter is being looked into.

Hon. S M Figueras: So it is safe to say there are no complete answers to such requests?

2175 **Hon. Dr. J E Cortes:** At the moment we are awaiting advice and information from this Department. We have not actually progressed on this, other than seek the necessary information so that we can do, hopefully, in the future.

2180 **Solar powered lighting
Opportunities identified by the Government**

Clerk: Question 385, the Hon. S M Figueras.

2185 **Hon. S M Figueras:** Have any opportunities for the use of solar powered lighting been identified by the Government and, if so, can the Minister for the Environment provide details of same?

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

2190 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, a pilot project has been identified which will involve installation of solar powered street lighting in the area of the Frontier loop.

Work is ongoing to identify the most appropriate type of solar fitting, bearing in mind both performance and aesthetic considerations. If successful, Government will then consider employing this technology elsewhere in Gibraltar.

2195

Hon. S M Figueras: I'm sorry. I'm not sure whether you mentioned it, but is there a timeline for the application of this pilot project?

2200 **Hon. Dr. J E Cortes:** Very soon. It is actually happening virtually as we speak so, hopefully... the items have to be acquired and installed, but it is very soon.

Hon. S M Figueras: Is the Minister able to provide the House with any information in respect of the saving it is expected to make?

2205 **Hon. Dr. J E Cortes:** Right, I would have needed notice...

I would need to know what is the consumption on the lighting on the Frontier loop, and as the solar lamps will consume zero, then that would be the saving. That information can be made available, if he requests it privately.

2210

**Alameda Botanical Gardens
Details of Government management arrangements with Wildlife (Gibraltar) Limited**

2215 **Clerk:** Question 386, the Hon. S M Figueras.

2220 **Hon. S M Figueras:** Mr. Speaker, can the Minister for the Environment provide details of the arrangements currently in place between the Government and Wildlife (Gibraltar) Limited in respect of the maintenance and management of the Alameda Botanical Gardens, specifically in relation to costs, term of agreement, and whether the Government plans to make any changes to this arrangement and, if so, what changes and when?

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

2225 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, Wildlife (Gibraltar) Limited holds an agreement since August 1991 for the running and maintenance of the Alameda Gardens.

2230 This agreement was re-negotiated with effect from 1st April 2006 and will expire on 30th March 2016. It consists of costs relating to personal emoluments, which are at scales agreed by the Government at the time, and increase each year in line with the pay review agreement of various other Government contractors, plus a budget set by Government relating to administration, the carrying out of maintenance and refurbishment, beautification and improvement works, as well as developing the Alameda as a botanic garden of value to the community and of International standing.

2235 These additional costs were set in the new contract at £64,500, £50,000 for water, and £50,000 for minor works. Additionally, specific projects agreed by Government had been funded from time to time under the Improvement and Development Fund.

The total costs last financial year, 2011-12, were £760,950. The Government is not considering any changes in the short-term to the arrangement.

2240 **Barbary Macaque Management Plan
Past and future costs**

Clerk: Question 387, the Hon. S M Figueras.

2245 **Hon. S M Figueras:** Can the Minister for the Environment confirm the cost to Government of the management of the macaques over the last three years, whether the re-costing of the Barbary Macaque Management Plan has been carried out and, if so, how much the Plan is due to cost over and above the current expenditure?

2250 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

2255 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the cost for the last three years has been as follows: 2009-10, total expenditure £207,170; 2010-11, total expenditure £195,949; 2011-12, total expenditure £208,135.

The Management Plan is being reviewed and a re-costing exercise will be carried out shortly.

2260 **Hon. S M Figueras:** Mr. Speaker, I asked the question because the last time this matter was raised in this House, the Plan was being reviewed, re-costed and updated. Some time has now passed since then and I was wondering whether, perhaps, the Minister could provide details of why the delay?

Hon. Dr. J E Cortes: Certainly, I am happy to do so.

2265 Mr. Speaker, during my trip to the UK I held meetings with the Born Free Foundation and the International Primate Protection League. who are supporting our work and have agreed to become involved in developing the Management Plan.

2270 As I did mention as well, last time I think it was, Prof. Agustin Fuentes, who is a worldwide expert on macaques and their management will be coming. We now have a date: this is the end of next week. He is already looking at the proposals that were on the table and has given preliminary advice so I hope that, after next weeks' meeting, we will be able to formulate the Barbary Macaque Management Plan, cost it, and then we will be able to answer that question at a future meeting.

**Complaints about ape behaviour
Streamlining the process**

2275 **Clerk:** Question 388, the Hon. S M Figueras.

Hon. S M Figueras: Mr. Speaker, can the Minister for the Environment confirm whether it has been able

2280 to streamline the process by which the public can file complaints and/or lodge their concern about ape behaviour including, but not limited to; threatening behaviour, ape loitering, defecation on motor vehicles and other personal property, as well as the general nervousness the presence of large numbers of wild apes in residential areas around Gibraltar are causing?

2285 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, not yet.

2290 Calls continue to be received variously via the Police, the Department of the Environment and directly by the contractors. However, we are working on preparing a designated telephone line and e-mail address at which any environmentally related matter, including problems with the Barbary macaques, can be reported.

Hon. S M Figueras: Mr. Speaker, this is a matter of growing concern for the community and it is only for that reason that I press the Minister to provide us with some more concrete information in respect of when this will happen, and an assurance from him that the reports that are being made today – of which I am certainly being made aware of personally, too – are being followed up and are being dealt with.

2295 But I think what is perhaps the most important issue that I would seek to elicit from the Minister in this Question is at what point is the community going to have the one point of contact so that they know that all relevant authorities will be receiving the information and, importantly, acting upon it?

2300 **Hon. Dr. J E Cortes:** Mr. Speaker, we have already improved the way in which action is taken on other environmental matters, such as litter accumulation and so on. We are in the process of setting up the litter committee and we have identified one particular officer who will be dealing with this in the future.

I think that the single contact point for environmentally related matters, including the Barbary macaques, will probably be available within *weeks*, and certainly not more than a *couple of months* maximum.

2305 **Hon. S M Figueras:** Mr. Speaker, I understand the predicament, and I understand that this is, again, another issue that perhaps cannot be resolved overnight. I understand that. But how difficult can it possibly be for the Minister and his Department to issue a statement saying: in respect of any incidents, the number to call is *this* or the e-mail to get in touch is this one? I mean, I really don't see the complexity.

2310 **Hon. Dr. J E Cortes:** Mr. Speaker, I don't know what complexities may have been encountered by my predecessors over the last 16 years –

2315 **Hon. S M Figueras:** No, they are being influenced by you with the Barbary Management Plan, which is taking forever... (*Interjection*)

Hon. Dr. J E Cortes: I thought you were talking about the telephone lines, (*Interjection*) not the Management Plan. That was the last question, Mr. Speaker – (*Interjection*)

2320 **Mr. Speaker:** Order. The Minister is answering the question.

Hon. Dr. J E Cortes: The telephone line is imminent. It require people to be available to do it. It does not take a long time. It's going to happen very soon.

2325

**St. Bernard's Hospital
Ape bite incidents recorded over the last five months**

2330 **Clerk:** Question 389, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment confirm the number of ape bite incidents recorded over the last five months at St. Bernard's Hospital?

2335 **Clerk:** Twelve months?

Hon. Dr. J E Cortes: Mr. Speaker, was that 12 months. That is what my question says I can-

Hon. S M Figueras: I've got five months in –

2340 **Hon. Dr. J E Cortes:** I can provide a breakdown.

Hon. S M Figueras: The original question was 12, actually, yes. I've just read the question-

2345 **Mr. Speaker:** Well, the original question was twelve-

Hon. S M Figueras: Yes.

2350 **Mr. Speaker:** – and I took the view that the ministerial responsibility dates back only five months, so suggested to-

Hon. Dr. J E Cortes: I have the data from May 2011 to April 2012. Let me just answer what I've got.

Mr. Speaker: Yes.

2355 **Hon. Dr. J E Cortes:** Mr. Speaker, the number of ape bites recorded over the last 12 months at St. Bernard's Hospital was 105, and I can break it down starting in May 2011 and taking each month in sequence; and the number of bites in May 2011 was ten, then in sequence, six, seventeen, twenty five, twenty, twelve, four, zero, and then January this year one, February one, March five and April this year four – making a total of 105.

2360

Hon. P R Caruana: Mr. Speaker can I rise on a point of order to which we attach considerable importance.

2365 I think – I beg the House's pardon, I was reading a document and not fully paying attention – but I thought I heard an exchange involving the Chair which suggested that the hon. Members of the House who now sit on the Government benches have ministerial responsibility *only* back to the date of their election into office.

I do not think that that can be right and I just do not want my silence... we can address it in a different matter, we do not have to address it today –

2370 **Mr. Speaker:** No, I appreciate that.

Hon. P R Caruana: – but I do not think that that can be right and I would not want my silence to be seen as somehow acquiescence in it. The hon. Members are not in this House exclusively with their political colours. They are the political face of a continuous, *uninterrupted* entity called the Government of Gibraltar, regardless of the political colour of the Government that occupies those posts.

2375

If what I thought I heard... if I have misheard, please correct me but –

Mr. Speaker: No, the hon. Member heard correctly.

2380 **Hon. P R Caruana:** If what I thought I'd heard were correct, then an Opposition could never ask in Parliament for information about the public affairs of Gibraltar that preceded their date in office, and there are Standing Orders saying that Members are accountable in this House for the 'public affairs of Gibraltar', not for the public affairs of Gibraltar for which they have political responsibility. So, certainly, I may ask them... I might ask them: 'Will the hon. Members tell me how much the Government collected in Income Tax in the year 2006'. They cannot say 'No' and not give you that information 'because I was not in office at that time'.

2385

They may not have *political* responsibility for the answer – in other words, they may not be politically criticisable for the answer – but they are still accountable in this House for the public affairs of Gibraltar, regardless of the dates that those public affairs relate to. That had always been my view of the matter.

2390 **Mr. Speaker:** Yes, I think the point is well taken; perhaps I took too narrow a view and just looked at 12 months – no, five months. I think the point is well taken: where there is information of a factual question, seeking information of a factual nature, as is this case, then there is no reason why the Minister cannot obtain and provide that information. If the question is aimed at policy issues, then... the point is well taken.
(Interjection)

2395 **Mr. Speaker:** I'm probably going to be told otherwise now.

There was a brief conference with the Clerk.

2400 **Mr. Speaker:** Yes, I am informed that the discussion was held between the Clerk and the Hon. Mr. Figueras on this point and Mr. Figueras did put correctly the point made by the Leader of the Opposition, so the point is well taken now. It was well taken by the hon. Member and I regret my lapse on that.

2405

**Moroccan Red Crescent
What medical equipment donated**

Clerk: Question 390, the Hon. Mrs I M. Ellul-Hammond.

2410 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health explain which equipment worth £75,000 was donated to the Red Crescent for use in Morocco?

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

2415 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the information requested is contained in the attached schedule, so I must correct the hon. Member. It may have been a typographical error, in that the equipment was worth £750,000 and not £75,000.

Answer to Question No. 390 of 2012

Donation Equipment List:

Qt	Description	Manufacturer	Model	Serial No.
1	ECG Machine	Hewlett Packard	Pagewriter 300i	CNC 4944350
1	ECG Machine	Hewlett Packard	Pagewriter 100	CNC 1514008
1	ECG Machine	Hewlett Packard	Pagewriter 100	CNC 4219724
1	ECG Machine	Hewlett Packard	Pagewriter 100	CNC 4215833
1	ECG Machine	Hewlett Packard	Pagewriter 200i	CNC 4221150
1	ECG Machine	Hewlett Packard	Pagewriter 200i	CNC 1512449
1	ECG Machine	Hewlett Packard	Pagewriter 200i	CNC 4213070
1	Neonatal Incubator	Air Shields Vickers	141 MK2	140-3637
1	Foot & Hand Puva	Dixwell	Tecimex	9201001P
1	Oxygen Concentrators	Drager	Permax	SRSF-0130
1	Oxygen Concentrators	Drager	Permax	SRSF-0392
1	Oxygen Concentrators	Drager	Permax	SRSA-0204
1	Ultrasound Machine	Siemens	Sonoline Elegra	GEE 2554
1	Ultrasound Machine	Siemens	Sonoline Versa Pro	ANE 1100
1	Benchtop Sterilizer	Eschmann	Little Sister 3	LSK-4E 1278
1	Benchtop Sterilizer	Eschmann	Little Sister 3	LSH-1090-08
1	Benchtop Sterilizer	Eschmann	Vac 200	LSVC-9D-1011
1	External Cardiac Pacemaker	Medical Production	446	3720489
1	External Cardiac Pacemaker	Biotronik	EDP 30	14100514
1	Analyzer	Lifetech	Urolab Janus	000160001
1	Patient Monitors	S&W	Athena Diascope	11007365
1	Patient Monitors	S&W	Athena Diascope	12064021
1	Patient Monitors	S&W	Athena Diascope	10987532
1	Patient Monitors	S&W	Athena Diascope	10987549
1	Patient Monitors	S&W	Athena Diascope	10998663
1	Central Monitor	S&W	Athena 9050/PDU/CDU	10986288
1	Recorder	S&W	Athena 9741	1098256
1	Wax Bath	Enraf Nonius	3448	02031
1	ENT Workstation	Downs		08-02-010
1	Cassette Reader (Old Mammo)	Agfa	CR250	5156-100-2417
1	ID Tablet	Agfa		4265
1	Monitor	Barco		1889010258
1	PC	Dell		6596
1	Vital Signs Monitor	Critikon	8100	8101-145342
1	Vital Signs Monitor	Critikon	1846 SX	8272-H-1780
1	Syringe Pump	Graseby	MS2000	71/119/001
1	Electrosurgical Unit	Eschmann	TD311	3528
1	24 Hr ECG Ambulatory Recorder	Reynolds Medical		169536

Cont'd/.....

Continued Answer to Question No. 390 of 2012

1	ECG Event Recorder	Reynolds Medical	Tracker 2	19538D
1	Defibrillator	Hewlett Packard	Codemaster XL	3601A44376
1	Electrosurgical Unit	Downs	Diadon 450 PZ	085
1	Light Source	Downs	Light Source 150	086
1	Fetal Monitor	Oxford	Sonicaid Meridian 800	1768D
1	Ophthalmology Equipment	Surgical Design	Ocusystem	2835
1	Ophthalmology Equipment	Surgical Design	Ocutine	452
1	Mobile Lead Screen			
1	Mammography Suite	Philips	Mammo Diagnost	6883
2	Old St. Bernard's X-Ray Suite	Philips	Diagnost 76	
1	Telemetric Programmer	Teletronics	Optima-MP	0006411
1	Telemetric Programmer	Teletronics	5603	A0125583
1	Analyzer	Lifetech	Urolab Janus	000160001
1	Ophthalmology Equipment	Surgical Design	Ocusystem	2835
1	Ophthalmology Equipment	Surgical Design	Ocutine	452
1	X-Ray Processor	Agfa	Curix 60	9462/106/2816
1	Vacuum Pump	Eschmann	V12-S	2636
12	Patient Beds (Hydraulic)	Huntleigh Nesbit Evans	20050	
2	Labour Beds (Hydraulic)	Nesbit Evans	Birthright	
1	Egerton Patient Bed (Electric)	Egerton	Tilt Torn	E17131
3	Patient Transfer Trolley	N/A	N/A	N/A
2	Patient Stretchers	N/A	N/A	N/A
2	Transport Incubator Transporter	N/A	35-IT	N/A
8	X-Ray Viewers (Single)	Rad Tec	Single Film Viewer	
3	X-Ray Viewers (Double)	Rad Tec	Two Film Viewer	
2	X-Ray Viewers (Triple)	Rad Tec	Three Film Viewer	
2	X-Ray Viewers (Quads)	Rad Tec	Four Film Viewer	
1	Image Intensifier HRC 0857	Siemens	Siremobil 2000	1294
2	PCR Card Readers	Philips	AC 500	3665411/3665413

2420 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, the Minister is, of course, aware that the whole process of identifying the equipment, making administrative arrangements for it to be donated to Morocco and the Customs clearances was conducted by his predecessor, Mrs Del Agua.

2425 The only requirement remaining was for the Director of the Red Crescent to arrange the transportation of this equipment. An acknowledgement that this was a GSD initiative would have been welcomed. However Mr. Speaker, can the Minister advise if the equipment is fit for purpose and how many years of usage it has left in it.

2430 **Hon. Dr. J E Cortes:** Mr. Speaker, as I recall I acknowledged the fact that the process had been started by the previous administration during the course of an interview. Whether that was edited out by the media I do not know, but I am happy to acknowledge the fact that the process had started before. It needed a little bit of tweaking, in the sense that I had to sign the authority which I think may have been signed already by my predecessor, that is not an issue at all.

2435 As to the expected life, I am informed that it is a good number of years, particularly in the less delicate equipment, there were beds and so on that were donated, and I can say that the Moroccan communities have expressed to us gratitude for our contribution and there may be further contributions in the future.

**Public access defibrillators
Position, cost and how they will work**

2440 **Clerk:** Question 391, the Hon. Mrs I M. Ellul-Hammond.

Hon. Mrs I M. Ellul-Hammond: Mr. Speaker, can the Minister for Health explain where the nine public access defibrillators will be placed in Gibraltar, how they will work, and how much they will cost?

2445 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, yes.

2450 On average there are, by way of background, there are 20 cases of sudden cardiac arrest per year in Gibraltar. Over 90% of these can result in death. The chances of such arrest survival go up to 70% of surviving such a cardiac arrest – rather, go up to 70% if an automated external defibrillator is used within five minutes.

2455 Public access defibrillators are safe, effective and anyone can use them. The PADS, as they are called, programme aims to strategically place nine of these in nine public locations in Gibraltar in order to reduce the risk of death from sudden cardiac arrest in public places: these are the Air Terminal; the Coach Terminal; the Cruise Terminal; the Piazza; the ICC; the Tercentenary Sports Hall; Europa Point; St Michael's Cave; and Catalan Bay.

2460 These locations were chosen after extensive analysis of previous cardiac arrest records and take into account pedestrian footfall and distance from medical services. Defibrillator programmes have been well established and successful in both the UK and the United States and is backed by the British Heart Foundation. The model of defibrillator – Zoll – has been chosen for its extensive extended shelf life. Each PAD has a seven year warranty and the minimal maintenance – that is, battery checks and replacements – which will be carried out by the GHA Ambulance Service.

2465 The latest in defibrillation technology means that training is no longer a requirement for the lay person. Once switched on, the PAD will guide the user in simple and clear audio commands, and even coach the user on how to give cardio-pulmonary resuscitation without any prior experience. For information, the cost per unit is £1,295.

Hon. Mrs I M. Ellul-Hammond: I am grateful for that, Mr. Speaker.
Can the Minister explain how the defibrillators will be protected against vandalism?

2470 **Hon. Dr. J E Cortes:** Mr. Speaker, they come in their own enclosed area, which you can obviously open. Vandalism is something that we can never guarantee will not happen but, clearly, if we don't have a defibrillator, it might not be vandalised, but we don't have it, whether it is vandalised or not. Therefore, this is a problem.

2475 Sadly, there is vandalism in Gibraltar. We hope that even at least a percentage of the vandals will realise that vandalising this could have terrible effects but, clearly, we have to hope that this does not happen. It is a possibility. I would like to think that it will not happen that much but, nevertheless, we think that it is worth having them, even though there might be a threat of vandalism.

2480 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, so what you are saying is perhaps public awareness on the importance of these units could, potentially, reduce vandalism.

Could the Minister outline the GHA's community awareness campaign for the safe use of the defibrillators and obviously to impress on the public: please do not vandalise these very vital pieces of equipment.

2485 **Hon. Dr. J.E. Cortes:** Of course, absolutely, thank you.

It is intended to have a public awareness campaign once these arrive and once these are set up. Obviously, that's the time to do it, and that will clearly happen.

2490

**UK advice services and training
Details of exploratory talks**

2495 **Clerk:** Question 392, the Hon. Mrs I M. Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health explain, as per the Government's press release 158 of 7th March, after the Minister's visit to the UK, which advice services and what training the GHA is exploring for the UK to provide?

2500 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

2505 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, during my visit to the South-West London Health Trust, to Salisbury NHS Foundation Trust and a number of other locations, advice was obtained on administrative issues, such as the organisation of open board meetings and the development of community-based medicine.

2510 Areas where training is a possibility include stroke care and health care administration, including the running of appointment systems. Possible services include several areas of specialist care, including spinal treatment, where there is a centre of excellence in Salisbury District Hospital, where the Duke of Cornwall Spinal Treatment Centre is located.

Hon. Mrs I M. Ellul-Hammond: Mr. Speaker, is the Minister now turning to UK experts to advise on how GHA services are to be run?

2515 **Hon. Dr. J E Cortes:** Mr. Speaker, the Minister will turn to whichever experts the Minister feels will contribute to developing the healthcare that Gibraltar needs and deserves.

2520 **Medical vacancy adverts
Reason for ten month appointments**

Clerk: Question 393, the Hon. Mrs I M Ellul-Hammond.

2525 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health explain why the vacancy adverts for that of a nurse practitioner, a health visitor level one nurse, a junior occupational health therapist, and that of physiotherapists senior II, state the contracts are only for a ten month period?

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

2530 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the contracts were for a ten month period because that was the period for which the employees are required.

2535 **School of Health Studies
Student Nurse bursary concerns**

Clerk: Question 394, the Hon. Mrs I M. Ellul-Hammond.

2540 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health tell us if he has met with the student nurses from the School of Health Studies and if their bursary concerns have been addressed?

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

2545 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr. Speaker, I have met with

the student nurses and, yes, the bursaries have been increased to match the similar student bursaries in the UK. It has now been increased from £450 to £650.

2550 **Hon. Mrs I M. Ellul-Hammond:** Thank you.
Mr. Speaker, will this new £650 a month salary be backdated to 1st February of this year, in line with the start of the new payment scale for all trainee workers under the Future Jobs Strategy?

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

2555

**Emergency ambulances and patient transfer vehicles
Number arrived or on order**

2560 **Clerk:** Question 395, the Hon. Mrs I M. Ellul-Hammond.

2565 **Hon. Mrs I M. Ellul-Hammond:** Mr. Speaker, can the Minister for Health tell us how many new emergency ambulances have arrived for use by the GHA, and whether any patients transfer vehicles have been ordered?

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

2570 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, first on the new emergency ambulances, the three ambulance vehicles were ordered in October and were delivered to the coachbuilders for conversion to ambulances in January 2012. We have been informed by the coachbuilder that the first vehicle should be ready in the week commencing 21st May – which I think is next week – and the other two by the end of May. We should expect all three in Gibraltar by mid June this year.

2575 Regarding the patient transfer vehicles, apart from the three emergency ambulances, there are, in fact, a further five vehicles in their ambulance fleet; two long distance emergency ambulances and three transport ambulance vehicles. The Government is replacing all these vehicles and has already started the process of tendering and selection of ambulances.

2580 We need to abide by EU timeframes and, because of our very specific requirements, our ambulances cannot be purchased ‘off the shelf’, even to the extent of having a dual system of emergency lights from blue to amber when ambulances have to cross the frontier. The specifications for the patient transport ambulances have been produced by a team from the ambulance service who, clearly, are the individuals that know best. These have been passed on to Procurement, in order that they can advertise the tender and I believe, Mr. Speaker, they have been advertised over the last few days or will be very, very imminently.

We are hopeful that these vehicles will be in service near the end of the year. (*Applause*)

2585 **Hon. Mrs I M. Ellul-Hammond:** Yes, we welcome the purchase of new patient transfer vehicles, Mr. Speaker. I believe the tender process is in today’s *Chronicle*, in fact, and it refers to five ‘economic operators’. Could the Minister please explain further what or who these five economic operators are?

2590 **Hon. Dr. J E Cortes:** No, Mr. Speaker, I have not seen the advert. This was prepared by the Procurement Department and it is an expertise that they have.

I believe the wording... because this has to be an EU tender which will be advertised in the appropriate journal, the wording must, I assume, be set.

2595 I would need notice of that because it is not my area. I would be happy to supply that information privately but it is not an area that I would have expertise on.

IVF treatment

2600

Health clinics and health service providers expressing interest

Clerk: Question 396, the Hon. Mrs I M Ellul-Hammond.

2605

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health tell us how many health clinics or health service providers expressed interest and who will be providing the GHA with a full range of IVF treatments?

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

2610

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr. Speaker, six health clinics have expressed an interest in the service.

A selection panel has been appointed to assess the submissions. It is the intention of the panel to shortlist providers and schedule presentations for the relevant clinicians. A recommendation report will be provided for approval before the contract is awarded.

2615

Once the tender process is complete, the successful tenderer will be announced in the media.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister say if these proposals are all from the United Kingdom, or from Spain or from other places within Europe?

2620

Hon. Dr. J E Cortes: Mr. Speaker, I as Minister am not directly involved in the selection process.

I am not a clinician and, therefore, it would not be appropriate but I believe there are... *I believe*, and this is just what I think I have gathered, that there are expressions of interest from Spain and from the United Kingdom. There are no facilities in Gibraltar that can provide this service, but I do not have the specific details: I have not been involved in the actual process.

2625

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, are there conditions a couple needs to fulfil in order to qualify for GHA-funded IVF treatment and, if so, what are these conditions?

2630

Hon. Dr. J E Cortes: Again, Mr. Speaker, this is... I would need notice. There are conditions: I think I mentioned them in another question previously.

There is a protocol that has been developed, based largely on the NHS protocol but, as that was not specifically asked, but again, once... It is just being tweaked at the moment, and that will be public knowledge because, obviously, couples will need to know what the protocols are.

2635

**Sexual health advisory service
Precursor to offering IVF treatment**

2640

Clerk: Question 397, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister for Health tell us if the GHA will be providing a sexual health advisory service as a precursor to offering IVF treatment for GHA patients, or at least in tandem with the IVF service?

2645

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): No, Mr. Speaker, sexual health services are separate.

2650

All potential IVF patients will be assessed by GHA gynaecologists following referral from their GPs.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, is the Minister not aware that unprotected sex can lead to the contracting of sexually transmitted diseases that cause infertility later in a person's sexual life – thus

2655 requiring, potentially, IVF treatment to enable a pregnancy – for example, chlamydia, which remains silent in the body and causes infertility.

Does not the Minister agree that it makes sense to establish a sexual health advisory clinic alongside an IVF treatment programme?

2660 **Hon. Dr. J E Cortes:** Mr. Speaker, what I said was that they are separate, not that they are not justified or, indeed, desirable.

It is a separate exercise that we have to look at because a sexual health advisory service would not just be for couples considering IVF. Therefore, what I said was that it is separate, it is something that we *are* looking at as a separate exercise.

2665 Obviously, any advice that the gynaecologists provide to couples considering this treatment would involve reference to sexual health but that is not what the hon. Member is referring to, which is a separate sexual health advisory service which will have to follow a procedure and a process of its own, which we will be looking at.

2670 **Hon. Mrs I M Ellul-Hammond:** Thank you for that.

So, Mr. Speaker, can the Minister confirm that you will be seriously considering the introduction of a *separate* sexual health advisory service for 16-year olds and older?

2675 **Hon. Dr. J E Cortes:** Mr. Speaker, I cannot allow the hon. Member, regardless of my long friendship with her, to dictate Government policy in this way.

I cannot go into specifics about age of 16 and so on. What I can say is that we *will* be looking at the possibility of providing a sexual health advisory service because it is something which I think is important for members of the community, regardless of their age, but I cannot hold myself to specific details in this exchange: you will forgive me for that.

2680

Primary Care Centre One month advance appointments and group system

2685 **Clerk:** Question 398, the Hon. Mrs I M Ellul-Hammond.

2690 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, can the Minister for Health explain the new one month advance appointment system and the group system at the Primary Care Centre which will both be in place by 1st August 2012.

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

2695 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr. Speaker, the new appointment system is simple and straightforward, although by the time I have finished reading this, it might not appear so! That is my addition, I'm afraid. However the implications and benefits may take a little longer to appreciate.

2700 The new appointment system changes from releasing clinics for advanced and pre-booked appointments for the entire next three months, as we currently do, to opening advanced appointments for the entirety of one month only. For example, every first working day of the month, the Primary Care Centre will release appointments for the following month. The on-the-day appointment slots available every day remain the same, therefore patients can still come in the morning or, preferably, ring the appointment telephone line and have the same chance of getting an on-the-day appointment for the doctor of their choice, as at present. However, the advance appointments are opened a month at a time and can only be booked from one month to the next.

2705 The advantages of this change are; first, patients can try to make an appointment for the month to see their GP and if none are available for that month they will only have to wait until the following month is released to see their own GP, as opposed to waiting three months if all the appointments were full.

Secondly, it should be an end to patients complaining that they cannot book an appointment to see their own GP until three months' time or that their GP is fully booked for three months – a common complaint –

2710 also an end to pre-booked appointments saturation towards the end of the quarter, which currently occurs with GPs with a larger number of regular patients. People book now for the end of three months' time and then, in three months, there are no appointments. Then, also, to patients pre-booking appointments 'just in case they need it', to ensure seeing their own GP... This often results in unnecessary consultations or no-shows and, finally, the 'did not attend' figures are expected to reduce as patients are more likely to remember an appointment if it is the following month, rather than three months later.

2715 On the GP group system, the procedure for patients requesting an appointment in respect of the GP group system is as follows: firstly, every patient is to be given an appointment with a GP that the patient is registered with; then, if there is no availability with this GP, the patient will be given an appointment with another GP in the same group. If a patient wishes to change to another GP group then, following the consultation, they would be requested to complete a 'Change of group' slip, obtained from the main counter and submit this to the clerk in the area of their choice. If there are no appointments available with that particular group, the patient will be offered an appointment with one of the other groups, dependant on availability.

2725 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, again, the Minister has only had to 'launch' a GSD initiative with already everything in place for the new GP Group Practice Scheme...

Can the Minister explain, though, if it would be possible for an individual to change doctors or groups after 1st August, or is this before 1st August, when the initiative starts?

2730 **Hon. Dr. J E Cortes:** Mr. Speaker, they can change groups whenever: this is current.

I would like to say that this initiative – in line with Government policy – was actually... this particular initiative was actually developed by the clinicians and the administrators within the Primary Care Centre and supported by the Government, but it was prepared by the professionals.

2735 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, how will the GHA ensure that the number of patients entitled in Gibraltar are equally distributed among the three GP groups, in order for one group not to be overloaded with patients?

Hon. Dr. J E Cortes: Mr. Speaker, with some difficulty because we are giving the patients choice.

2740 We are aware that there may be certain doctors who may, for whatever reason, be more popular than others and that could skew the distribution. We have to monitor how this goes and maybe we have to perhaps increase the size of one group or the other, but we certainly, at this stage, believe in giving the patient the freedom to select what GP they see, which I think is quite an important personal choice that people make.

2745 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, with reference to the advanced appointments, any policy that successfully reduces the number of missed appointments is most welcome but can you confirm, as from 1st August, all the appointment slots for September will be made available and could, potentially, be filled up in that day if enough people make the appointments, or will the telephone lines again open on 2nd August and again on the 3rd and so fill up for the 2nd and 3rd September of the next month, if you understand what I am

2750 –

Hon. Dr. J E Cortes: Mr. Speaker, as I said before, the daily appointment slots which are currently reserved for daily appointments will be protected. I believe – and I am using recollection on whether we published this – that, transitionally, we may be reserving some advanced appointments in two week chunks until people get used to the system. The problem is that whereas, before, you could get the three months clogged up, now you could only get one month clogged up and there is always a chance, in a months' time, to get another appointment.

2755 I must say that the whole question of the appointments and the demand on the Primary Care Centre is currently being studied with a view to, perhaps, making some adjustments – but that is something for the future.

2760

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, can the Minister explain that if someone needs a repeat prescription and is unable to secure an appointment within a month and that individual has run out of the medication and has no appointment slip; what would that patient do?

2765 **Hon. Dr. J E Cortes:** Mr. Speaker, that can be addressed by the Prescriptions Advisory Service where Mr. Guillem and his team work and he will deal with facilitating that if there is any person in that predicament.

2770 **Hon. Mrs I M Ellul-Hammond:** Mr. Speaker, so the patient will not need an appointment in order to get a repeat prescription if he or she has run out of medication?

2775 **Hon. Dr. J E Cortes:** Mr. Speaker, it depends. We are reviewing the process for repeat prescriptions: it does depend on whether it is an emergency, if the repeat prescription is necessary in a weeks' time and there is an appointment tomorrow... But anybody who has absolutely got his or her back against a wall will have an avenue for that repeat prescription to be filled.

Hon. Mrs I M Ellul-Hammond: Mr. Speaker, will the Minister be considering setting up a separate repeat prescription service which does not require taking up an appointment with a GP, as is the case in the United Kingdom?

2780 **Hon. Dr. J E Cortes:** Mr. Speaker, I probably do not have to... Well, I won't say I do not have to answer it, but this not an obvious corollary of the original question. We are looking at the repeat prescription service very seriously in order to make it more streamlined and more patient friendly, but I think that would have had to be the subject of a separate question to the one strictly on appointments.

2785 **Clerk:** Question 399 –

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

2790 **Mr. Speaker:** Is that convenient to all the hon. Members? Adjournment until three o'clock this afternoon?

It was agreed.

Mr. Speaker: This House will adjourn until 3.00 p.m. this afternoon.

2795 *The House adjourned at 1.00 p.m. and resumed its sitting at 3.00 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.20 p.m.

Gibraltar, Thursday, 17th May 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

**Security and immigration post
Number of responses to Borders and Coastguard Agency advert**

Clerk: Answers to Questions continue.
Question 372 of 2012, the Hon. D A Feetham.

5 **Hon. D A Feetham:** Mr Speaker, how many people have applied for the security and immigration post recently advertised with the Borders and Coastguard Agency?

Clerk: Answer, the Hon. the Chief Minister.

10 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, 244 applications were received for the security and immigration post.

15 **Eastside reclamation
Details of current works**

Clerk: Question 460, the Hon. S M Figueras.

20 **Hon. S M Figueras:** Mr Speaker, can the Government provide details to this House of the works currently ongoing at the East-Side reclamation?

Clerk: Answer, the Hon. the Chief Minister.

25 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Coastal Works Project on the eastern side of Gibraltar involves the construction of a revetment and infilling of the basin behind it. This is now nearing completion, with the revetment all but complete and the infilling of the general level of the area following closely behind.

30 **Moroccan workers
Number awaiting decision on naturalisation**

35 **Clerk:** Question 461, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Chief Minister state the number of applications of Moroccan workers awaiting a decision for naturalisation, showing the date of application?

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

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the number of applications of Moroccan workers awaiting a decision for naturalisation, as at 10th May 2012, is 145.
I now hand the hon. Member a schedule showing the respective date of applications.

ANSWER TO QUESTION 461 OF 2012

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 1	15/05/2006
APPLICANT 2	02/06/2006
APPLICANT 3	05/06/2006
APPLICANT 4	22/08/2006
APPLICANT 5	18/09/2006
APPLICANT 6	01/03/2007
APPLICANT 7	14/03/2007
APPLICANT 8	24/05/2007
APPLICANT 9	11/06/2007
APPLICANT 10	28/06/2007
APPLICANT 11	02/08/2007
APPLICANT 12	03/09/2007
APPLICANT 13	13/09/2007
APPLICANT 14	20/11/2007
APPLICANT 15	30/11/2007
APPLICANT 16	23/06/2008
APPLICANT 17	26/06/2008
APPLICANT 18	18/11/2008
APPLICANT 19	18/03/2009
APPLICANT 20	01/05/2009
APPLICANT 21	01/07/2009
APPLICANT 22	27/01/2010
APPLICANT 23	02/02/2010
APPLICANT 24	04/03/2010
APPLICANT 25	24/01/2011
APPLICANT 26	09/02/2011
APPLICANT 27	01/03/2011
APPLICANT 28	22/03/2011
APPLICANT 29	20/08/2011
APPLICANT 30	10/10/2011
APPLICANT 31	12/10/2011

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 32	13/10/2011
APPLICANT 33	13/10/2011
APPLICANT 34	20/10/2011
APPLICANT 35	24/10/2011
APPLICANT 36	26/10/2011
APPLICANT 37	26/10/2011
APPLICANT 38	26/10/2011
APPLICANT 39	27/10/2011
APPLICANT 40	02/11/2011
APPLICANT 41	07/11/2011
APPLICANT 42	11/11/2011
APPLICANT 43	15/11/2011
APPLICANT 44	15/11/2011
APPLICANT 45	16/11/2011
APPLICANT 46	22/11/2011
APPLICANT 47	24/11/2011
APPLICANT 48	08/12/2011
APPLICANT 49	12/12/2011
APPLICANT 50	12/12/2011
APPLICANT 51	12/12/2011
APPLICANT 52	14/12/2011
APPLICANT 53	14/12/2011
APPLICANT 54	20/12/2011
APPLICANT 55	03/01/2012
APPLICANT 56	06/01/2012
APPLICANT 57	07/01/2012
APPLICANT 58	09/01/2012
APPLICANT 59	11/01/2012
APPLICANT 60	12/01/2012
APPLICANT 61	16/01/2012
APPLICANT 62	18/01/2012
APPLICANT 63	19/01/2012
APPLICANT 64	24/01/2012
APPLICANT 65	26/01/2012

Applicant	Date of Application
APPLICANT 66	26/01/2012
APPLICANT 67	26/01/2012
APPLICANT 68	30/01/2012
APPLICANT 69	31/01/2012
APPLICANT 70	01/02/2012
APPLICANT 71	07/02/2012
APPLICANT 72	10/02/2012
APPLICANT 73	20/02/2012
APPLICANT 74	20/02/2012
APPLICANT 75	22/02/2012
APPLICANT 76	22/02/2012
APPLICANT 77	22/02/2012
APPLICANT 78	29/02/2012
APPLICANT 79	10/03/2012
APPLICANT 80	15/03/2012
APPLICANT 81	20/03/2012
APPLICANT 82	22/03/2012
APPLICANT 83	22/03/2012
APPLICANT 84	25/03/2012
APPLICANT 85	28/03/2012
APPLICANT 86	29/03/2012
APPLICANT 87	05/04/2012
APPLICANT 88	10/04/2012
APPLICANT 89	13/04/2012
APPLICANT 90	17/04/2012
APPLICANT 91	24/04/2012

Applicant	Date of Application
APPLICANT 92	28.11.2011
APPLICANT 93	03.09.2011
APPLICANT 94	17.12.2011
APPLICANT 95	24.10.2011
APPLICANT 96	13.01.2012
APPLICANT 97	12.01.2012
APPLICANT 98	18.06.2008
APPLICANT 99	08.09.2004
APPLICANT 100	30.09.2005
APPLICANT 101	03.07.2008
APPLICANT 102	22.03.2011
APPLICANT 103	09.12.2011
APPLICANT 104	20.01.2012
APPLICANT 105	30.01.2012
APPLICANT 106	31.01.2012
APPLICANT 107	23.11.2011
APPLICANT 108	18.06.2008
APPLICANT 109	04.07.2006
APPLICANT 110	07.12.2011
APPLICANT 111	07.02.2012
APPLICANT 112	08.02.2012
APPLICANT 113	20.01.2012
APPLICANT 114	17.02.2012
APPLICANT 115	16.02.2012
APPLICANT 116	20.02.2012
APPLICANT 117	21.11.2011
APPLICANT 118	05.12.2011
APPLICANT 119	26.11.2011
APPLICANT 120	02.02.2012

<u>Applicant</u>	<u>Date of Application</u>
APPLICANT 121	02.12.2011
APPLICANT 122	13.03.2012
APPLICANT 123	06.12.2011
APPLICANT 124	12.01.2012
APPLICANT 125	07.03.2012
APPLICANT 126	16.03.2012
APPLICANT 127	15.03.2012
APPLICANT 128	21.03.2012
APPLICANT 129	07.03.2012
APPLICANT 130	26.03.2012
APPLICANT 131	20.03.2012
APPLICANT 132	26.03.2012
APPLICANT 133	28.03.2012
APPLICANT 134	24.03.2012
APPLICANT 135	28.03.2012
APPLICANT 136	13.04.2012
APPLICANT 137	16.03.2012
APPLICANT 138	24.02.2012
APPLICANT 139	30.03.2012
APPLICANT 140	10.04.2012
APPLICANT 141	13.04.2012
APPLICANT 142	10.04.2012
APPLICANT 143	19.04.2012
APPLICANT 144	05.10.2011
APPLICANT 145	24.04.2012

<u>Applicant</u>	<u>Date of Application</u>
(DEFERRED CASE NO.1)	25.05.2006
(DEFERRED CASE NO.2)	15.08.2006
(DEFERRED CASE NO.3)	14.02.2008
(DEFERRED CASE NO.4)	01.08.2008
(DEFERRED CASE NO.5)	02.12.2009
(DEFERRED CASE NO.6)	26.07.2008

45

Hon. J J Netto: Mr Speaker, I wonder whether the Chief Minister is in a position, perhaps, to say when is the likely date that, maybe in the foreseeable future, when some of these applications may come to fruition and, if so, could he speculate as to the number of successful applications.

50

Hon. Chief Minister: Well, Mr Speaker, as was the case, I assume, when the hon. Members were in Government, there is a steady stream of applications, about 10 a week – I assume that steady stream will stop at some time. I can tell him that there are 145 persons on the list, as he now knows, and that, since 1st January... nothing had happened between 9th December and 1st January.

55

Since 1st January we have naturalised a total of 106 Moroccans who had applied and 29 other nationals – that is a total of 135 – by applying the same policy criteria that had been used to naturalise before.

60

The hon. Gentleman will not be able to discern from the list I have given him, how many of the people on that list – of the 145 – actually would be entitled to be naturalised based on the criteria used before 9th December – which has been the same one maintained after 9th December – because there are some people there who may have been here for more than 5 years but less than 10, and some people who have been here for more than 10 years but less than 20. Therefore, there may be an issue with different people qualifying for the exercise, or rather for the right, to be naturalised, in that sense. So I do not think it is possible to give any indication in respect of each of the individuals on the list, because each case is different and there may be...

65

What I can tell him is that I meet – I think it's fair to say, on a monthly basis, because Immigration and Civil Status is one of my responsibilities – I meet on a monthly basis with the Principal Immigration Officer and with the Chief Secretary, so that we go through all of the pending applications. If there is a policy decision which affects an applicant coming within the policy which enables them to have the naturalisation, then that is happening on a monthly review basis.

70

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

**GSLP economic growth forecast
Government position**

75

Clerk: Question 462, the Hon. D A Feetham.

80

Hon. D A Feetham: Does the Chief Minister still believe that the Government is on course to meet his party's prediction at the last Election, of 50% economic growth over the next four years?

Clerk: Answer, the Hon. the Chief Minister.

85 **Hon. Chief Minister (Hon. F R Picardo)::** Well, Mr Speaker, before starting the answer which is written, which I am going to read out I should say, but of course it is not just my party, it's my party and the Liberal Party that fought the Election together and our manifesto was a joint manifesto.

Mr Speaker, this question seeks an opinion which, under the provisions of Standing Order 17(1)(vii), should not be the subject of a Question in this House. In any event, Mr Speaker, I am going to reply and I am going to say that I am happy to disappoint the hon. Gentleman, by reaffirming to him that we, on this side of the House, all remain confident of meeting our manifesto commitments.

90

**European investors
Progress made since answer to Question 81/2012**

95

Clerk: Question 463, the Hon. D A Feetham.

Hon. D A Feetham: Is the Chief Minister in a position to update this House on any progress he may have made with the European investors he said he had up his sleeve, since he answered Question No. 81 of 2012?

100

Clerk: Answer, the Hon. the Chief Minister

Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, not in any substantive sense.

105

Hon. D A Feetham: Well, in what sense has he made progress?

Hon. Chief Minister: In a sense that I cannot announce.

Hon. D A Feetham: Why cannot he announce it?

110

Hon. Chief Minister: For the reasons I gave in answer to Question 81 of 2012.

115

**Defence Transfer Adviser
Selection of postholder**

Clerk: Question 464, the Hon. D A Feetham.

120

Hon. D A Feetham: Can the Chief Minister confirm whether someone has been selected to the post of Defence Transfer Adviser?

Clerk: Answer, the Hon. the Chief Minister.

125

Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, the recruitment process is currently ongoing. My understanding is that interviews are scheduled to take place on Friday 18th May 2012, and one interview was held earlier this week at the request of one of the applicants because he would have been unable to attend on Friday due to a medical appointment.

130

Hon. D A Feetham: How many people have applied for this particular post?

Hon. Chief Minister: Seven.

135

Hon. D A Feetham: Is he aware of the rumours rife in town that a particular candidate has already been selected for this particular post – somebody who was, in fact, working in the MoD and is going to retire on a considerable pension – and that he has already been promised this particular post by the Chief Minister himself. Is he aware of this?

Hon. Chief Minister: Mr Speaker, yes, I am aware of the baseless rumour that the hon. Gentleman decides to elevate to the floor of this House.

140 **Hon. D A Feetham:** Will he deny it?

Hon. Chief Minister: Indeed, Mr Speaker, given that the board that is going to be considering these applications is made up of the Financial Secretary, the Head of the Human Resources Department, and an SEO in his Department, I would have thought that is a fairly strong board to suggest is going to be in any way subject to *somebody else* determining who the successful applicant is going to be.

150 **Aggregate public debt
Breakdown by Government debenture issues**

Clerk: Question 465, the Hon. P R Caruana.

155 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister give a breakdown by debenture issues as at the 31st March 2012, of that part of the aggregate public debt which comprises Government debentures?

Clerk: Answer, the Hon. the Chief Minister.

160 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question together with questions 466, 467 and 469.

165 **Aggregate public debt
Unrelated to Government**

Clerk: Question 466

170 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether, as at 31st March 2012, *any* of the aggregate public debt comprises debt due other than to banks or holders of Government debentures that are unrelated to the Government?

175 **Gibraltar Savings Bank
Breakdown of debentures and other debt security**

Clerk: Question 467.

180 **Hon. P R Caruana:** Will the Chief Minister give a breakdown, by nominal value and issue, of the debentures or other debt security that had been issued by the Gibraltar Savings Bank and remain outstanding as at the 31st March 2012?

185 **Tax receipts for the year ending 31st March 2012
Breakdown and inclusion in Consolidated Fund Revenue**

190 **Clerk:** Question 469.

Hon. P R Caruana: Will the Chief Minister say how much has been collected in respect of (i)

195 Corporation Tax and (ii) Personal Income Tax, during the financial year ended of 31st March 2012, (a) in respect of the current tax year, and (b) in total; and will the Chief Minister confirm that all monies collected during the financial year just ended are included in the forecast outturn of Consolidated Fund revenue for the year ended 31st March 2012?

Clerk: Answer, the Hon. the Chief Minister.

200 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, in relation to questions 465 and 467, I now hand the hon. Gentleman a statement giving the information requested.

ANSWER TO QUESTION 469

Answer to Question 465

Summary of the Public Debt as at 31st March 2012

Government of Gibraltar Debentures

	<u>Maturity</u> <u>Date:</u>	
Pensioners' Monthly Income Debentures		£49,609,100
Monthly Income Debentures		£8,579,800
Special Issue of Monthly Income Debentures 2008		£49,879,200
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	£70,294,300
Limited Issue of Fixed Monthly Income Debentures	28/02/2017	£68,305,800
Total Public Debt that is comprised of Government Debentures :		<u>£317,675,300</u>

CONTD ANSWER TO QUESTION 469

Answer to Question 467

Summary of Debentures and other Debt Security issued by the Gibraltar Savings Bank as at 31st March 2012:

Gibraltar Savings Bank Debentures

3 Year Fixed Term Monthly Income Debentures (Maturing 1/2/15)	£1,764,300	
5 Year Fixed Term Monthly Income Debentures (Maturing 1/2/17)	£19,648,800	
Monthly Income Debentures (Issued 17/1/12)	£440,800	
Monthly Income Debentures	£10,253,000	
Pensioners Monthly Income Debentures	£7,305,700	
Other special Debenture Issues @ 2%	<u>£2,275,492</u>	
		£41,688,092

Gibraltar Savings Bank Bonds

10-Year Accumulator Bond (Issue date 01/02/12)	£791,800	
Guaranteed Superannuation Fund Bond	£904,045	
8% Provident Trust Fund No. 2 Pension Scheme EX Bond 1	£562,766	
8% Provident Trust Fund (Bond 1)	£2,576,301	
8% Pension Rights and Gratuity Transfers (Bond 2)	£4,676,159	
8% Provident Trust Fund No. 2 Pension Scheme - EX JMH	£87,033	
Gibraltar Provident Trust (J.M.H.) Pension Scheme	£251,723	
GSL 11% Bond	<u>£21,152</u>	
		£9,870,979
Total Gibraltar Savings Bank Debentures and Bonds as at 31st March 2012		<u>£51,559,071</u>

In relation to 466, the aggregate public debt is comprised solely of debt that is due by the Government to banks and to holders of Government debentures. (*Interjection*) Yes, of course.

Mr Speaker, on 466, the aggregate public debt is comprised solely of debt that is due by the Government to banks and to holders of Government debentures.

205

Mr Speaker, in relation to 469 –

Hon. P R Caruana: That are unrelated to the Government [*inaudible*]?

Hon. Chief Minister: That are not related to the Government.

210

Is that not what the Question asked for? That is the answer I have been given by the Treasury.

So, Mr Speaker, I can confirm, in relation to Question 469, that all monies collected during the financial year ended 31st March 2012 are included in the forecast outturn of the Consolidated Fund revenue for the said year.

215

The specific figures that the hon. Gentleman has asked about, as he is aware, are already in his possession and are reflected on page 6 of the Confidential Draft Estimates of Revenue and Expenditure for 2012-13, at Head 1 of Consolidated Fund Recurrent Revenue, sub-heads (1) and (2).

The figure, Mr Speaker, remains confidential to Members of this House and of the Treasury – and, I guess, the printers who prepared it – until such time as we have the debate on the Appropriation Bill.

220

Hon. P R Caruana: Mr Speaker, well, if I can just deal with the last point first: that was not the question.

I *know* that the forecast outturn of Government revenue is to be found in the book: that is not the question that I have asked him. The question that I have asked him is whether *all* of the income tax collected before the end of the financial year, regardless of whether it is attributable to one tax year or to another, are accounted for in the forecast outturn of the book that, in other words, are accounted for in the number to which he has referred in his answer. In other words that there is no... that the hon. Members have not adopted any practice of saying, “If we have collected money for next year’s tax in advance, we are holding it on account or in suspense, and we will bring it into account next year”. No... that is the question.

225

The answer is ‘no’, then.

230

Hon. Chief Minister: No, and I think there is agreement across the floor of the House that it is a cash account and, therefore, we do not do that.

Hon. P R Caruana: Exactly.

235

Well, Mr Speaker, if I could just have a moment to... If I could just press him to clarify his answer to Question 467, because he quoted back the whole of my question in his answer, except the bit that I am concerned with, which is, ‘unrelated to the Government’, in other words, the banks to which public debt is owed are, for example, Barclays Bank and NatWest, and not, for example, the Savings Bank, so there is no... the Savings Bank is not buying Government debentures. That is the question, really.

240

Hon. Chief Minister: Actually, that is not an issue that need concern the hon. Gentleman.

Hon. P R Caruana: So the answer is ‘no’, that is not happening

245

Hon. Chief Minister: No, that is not happening.

Gibraltar Savings Bank Management of expanded facilities

250

Clerk: Question 468, the Hon. P R Caruana.

Hon. P R Caruana: Yes, Mr Speaker, can the Chief Minister say, what is the Government’s intention as to who will manage the expanded Gibraltar Savings Bank for which they have purchased the ex Marrache & Co office building in Main Street? And who will make decision on such things as the making of loans to businesses, or the issuing of credit guarantees to businesses?

255

Clerk: Answer, the Hon. the Chief Minister.

260 **Hon. Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the Gibraltar Savings Bank, which will be housed at the ex-Banque Indosuez building alongside the Treasury Department which will also move there, will continue to be managed by the Treasury Department, under the direction of the Director of the Gibraltar Savings Bank, who is a Public Officer, designated by the Government from time to time for this purpose under the Gibraltar Savings Bank Act.

265 At present, as I think was the case when he was holder of this Office, the Director of the Gibraltar Savings Bank is the Accountant General. The provision of loan facilities for small business to help them expand and see them through periods of difficulty and the operation of a loan guarantee scheme for such small businesses are also stated aims of the expansion and the criteria and management of that will be subject of a public statement when it commences.

270 **Hon. P R Caruana:** So, Mr Speaker, is the hon. Member saying that those facilities will be managed by the Accountant General, too – in other words, the decisions to make small loans and small loan guarantees? And / or, because you could guarantee a loan made by another bank, or you could make the loan yourself, or you could issue the guarantee, so by any permutation, regardless of the permutation, whether it is direct or indirect... The point I am getting to, Mr Speaker – and I will get to it directly, rather than in layers – is, does the hon. Member accept that the questioner is, in principle, in favour of an expanded role of the Savings Bank and is *in principle* in favour of Government promoting and even taking a minority shareholding in a Bank for Gibraltar because, for any number of reasons, we think that one is necessary. So that is where I am coming from.

280 But does the hon. Member accept that, even if there is consensus on the desirability of such a thing, there are many ways of doing it and there are some ways upon which we might disagree. For example, if you look at the experience of the Spanish local savings banks, the regional, the so-called *Cajas*, and even the German *Länders*, wherever, *wherever* in Europe historically there has been *politically* controlled financial or banking institutions, it has *always* resulted in lending decisions or risk taking decisions driven by political considerations and not strict economic, prudent risk management operations, with the taxpayer ultimately exposed to the consequences of it. Does the Hon. the Chief Minister share our view that that is a concern, and a risk that needs to be guarded against?

285 Would he, therefore, not prefer what would have been our approach – because we would have pressed forward with something like this if we had won the Election – along the lines of a more privately managed bank, with professional management and professional private sector risk taker, with private sector capital, with the Government at best in some sort of minority but non-controlling decisions, so that the Government does not feel under pressure – under political pressure – for the decisions that the bank makes, or declines to make, in terms of supporting or not supporting particular potential applicants for small business loans and others?

290 **Hon. Chief Minister:** Mr Speaker, he need not concern himself with the idea of political involvement in loaning etc. I don't know that I can accept the premise that he has made. He has drawn it pretty widely, that *every* bank which has involved... I mean it may be that he is right: certainly, those that have hit the news seem to have had that problem and most of them that hit the news that are of the sort that he describes have involved politicians somehow being in the mix in some sense.

295 That is not what we are envisaging here. We think that there is a *different* way of doing this. We do not envisage any of the concerns that the hon. Gentleman has articulated being relevant, in the way that this may become a reality. He will, no doubt, agree with me that it is not *only* the way that the hon. Gentleman has described the potential alternative that could materialise, there are different permutations that could materialise here. You could, for example, have third party lending institutions involved in assessing the risk and granting the loan and the Government – not the Government, the Gibraltar Savings Bank – agreeing, under certain agreed parameters, perhaps involving the Chamber of Commerce and the Federation of Small Businesses ticking off what those criteria should be, involved in some guarantee scheme.

300 There are very many different permutations. Many of those are the ones we are looking at at the moment. None of them would give rise to the sort of concerns that *he* has articulated this afternoon.

**Commercial use of airfield
Current status of agreement with MoD**

315

Clerk: Question 470, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister say what is the current status of the agreement between the Government and the United Kingdom Ministry of Defence relating to the commercial use of the airfield?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the agreement between the Government and the MoD on the commercial use of the airfield expired on 31st December 2011. The parties have agreed to hold over on the same terms, pending discussions and further negotiations until the end of September 2012.

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Hon. P R Caruana: Mr Speaker, can the hon. Member confirm that the Government has continued... the agreement has been held over, so it has expired but it continues in operation: in other words, the Government is paying and it continues to operate as if it was still in force?

335

Hon. Chief Minister: We have agreed to extend the period of validity of the agreement, with both parties continuing to talk about how it should be renewed, or not renewed, for nine months, so therefore we have continued, or we will continue, until the end of September 2012, to have an obligation to pay the amounts which are relevant in respect of that agreement, as if it had been continued or expired at the end of September.

340

Hon. P R Caruana: Mr Speaker, does the hon. Member consider that the criteria that the predecessor Government – that is us – applied in entering into the agreement in the first place continue to prevail – assuming that he accepts that they ever prevailed! – but that they continue to hold good, namely that if Gibraltar is to be able to... if his colleague the Minister for Tourism and Aviation – I can't remember which of the two he has given this particular function to – if they are to go abroad with confidence to try and promote the route, to try and develop routes, to try and encourage airlines to come to Gibraltar, it is *essential* that the decisions as to tariffs and things of that sort that airlines are charged *must* be in the control of the Gibraltar Government because airlines are increasingly cost sensitive. What is not acceptable is for the Ministry of Defence to do with tariffs what they please, regardless of the implications of those *[inaudible]* to airlines' willingness to either continue on the route, if they are already here, or to be attracted to the route if they are not. In other words, we cannot go around promoting a resource, an amenity – that is going to become the word that *[inaudible]* (*Laughter*).

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350

We cannot go around promoting an amenity, the attractiveness of which, and therefore other people's ability to enjoy, is in the hands of somebody *other than* the Gibraltar Government. *That* is what caused the Gibraltar Government to consider it desirable to obtain the degree of management control that we now have over commercial use of the airfield, including setting of tariffs, keeping of tariff revenues, in exchange for contributing half of the operating costs of the runway. Even though I do not know in what circumstances it has arisen, but even if the hon. Members want and attempt to renegotiate some of it, that the underlying premise remains that the hon. Members are not contemplating handing control of it back to the Ministry of Defence who will make decisions by a quite different set of criteria.

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Hon. Chief Minister: Well, Mr Speaker, the hon. Gentleman would have known – which we found out – that the agreement that he refers to expired exactly three weeks after we were elected, and part of that period involved the Christmas celebrations and holidays. So, Mr Speaker, we are in the process of discussing with the MoD a lot of the issues that arise. I am sure that even if he had been returned to office he may not simply have asked that it be renewed in exactly the same terms. I accept why it is he said *he* was concerned to enter in to such an agreement. I think that there are valid concerns that he raises which continue to be valid.

365

I think the operation of the agreement has thrown up some issues that we need to look at quite carefully in order to protect Gibraltar's interests in respect of such an agreement. But I do not believe, Mr Speaker, that the analysis that the hon. Gentleman does is exactly right. In other words, it is not that the RAF takes *control* again of the issue, it is that the RAF *has control* of what they charge at the moment: it is simply subject to the

agreement with the Government that that charge is raised as a fee to the Government and the Government then charges... (*Interjection*)

370 Yes, I think, Mr Speaker, it is the case for this reason – I will allow the hon. Gentleman to question me from a sedentary position to this extent – there is an agreement now, there is a flat fee paid and the Government fixes landing fees. That agreement was calculated, as I understand it, based on an estimated number of landings and that is how the calculation was arrived at. That is, at least, the impression that we were given, but if the hon. Gentleman wants to say something about it in a minute, I will accept, if he does
375 have something to say, he should tell us.

So, Mr Speaker, that criteria that the hon. Gentleman has referred to is a very important part of what it is that we are looking at. Of course, it is. But there are other issues which are relevant also. I have no difficulty, Mr Speaker, in having a word with him afterwards about what those may be but, although the MoD is not a third party commercial concern, it is on the other side of the negotiating table on this issue. Therefore, I am
380 happy to listen to what he has to say, but perhaps we could have a chat later about some of the nuances of what *we* are thinking of.

Hon. P R Caruana: Well, Mr Speaker, I can tell him that, I don't know who has given him *that* explanation of how the agreement is structured, but it is certainly not correct.

385 There is no question here of the MoD establishing tariffs and being a flat fee. It is the fact that the Gibraltar Government sets whatever tariffs it wants, is *entitled* to the revenue from the commercial use of the airfield, whatever it might be: that is in our hands, so the MoD no longer get a share of... they no longer benefit from... except that there are either some revenue profit-sharing... From memory, there may be some sharing beyond a certain level, but all of that in exchange for the Government's payment of half the opex of
390 the operating costs of the airfield which, regardless of whether that results in a profit or loss for the Government – and it might or might not result in a profit or loss – depending on the *success* of attracting services to the airfield, especially as the Government also gets other sources of revenue from increased services that *can* be attracted by cheaper tariffs than the RAF may have established. We get passenger taxes and other things... rather, Gibraltar does. And that is the nature of the agreement,

395 Mr Speaker, this is not an issue that I have. I mean, I believe that it is hugely in Gibraltar's interests for the Gibraltar Government to be in that sort of operational control of the commercial operations of the airfield so that it is the Gibraltar Government who, in the macro-economic interests of Gibraltar, decides at what level to pitch the tariff. It might want to subsidise them as a means of attracting airlines that would otherwise stop coming to Gibraltar: that decision to do that, or not to do that, has to be a decision taken by the Gibraltar
400 Government and the pricing policy cannot be left to the MoD, that will make it for budgetary reasons, regardless of the macro-economic impact on Gibraltar.

Now that is the objective. For the rest of it, if the hon. Members can negotiate a better deal than we were able to negotiate, good for the hon. Members opposite. I am not concerned with a photocopy extension of the new agreement. Simply, the thrust of my questioning is just to seek from the hon. Member some sort of
405 commitment to the underlying principle of the importance of Gibraltar being in control of what is, ultimately, an important macro-economic factor.

If there is to be a renegotiation, that is a bilateral matter between the Government, in the first place, between the Government and the MoD, but I will say to him this: if he has the slightest doubt or if, in that renegotiation with the MoD, the conversations of the agreement that was first, and what was said and what it
410 meant – if any of that – is not available to him, on our side, I am perfectly happy to provide the Gibraltar Government with such continuity of input, of the history of the original deal, if he thinks that there is the slightest doubt that the original scheme might be being misrepresented to him and that that might, somehow, impair his ability to seek a successful renegotiation.

415 **Hon. Chief Minister:** Mr Speaker, I am grateful.

You see, I am not suggesting that he could have done a better deal two years ago, or four years ago or six years ago – I do not know what the length of the current agreement had been.

420 What I am saying is that, having lived out the period of its validity, it is now possible to go back and analyse what were the things that were envisaged, how those have materialised, how they have not materialised, and how it may be possible, for that reason, to seek a more advantageous determination of any agreement that there may be, or a different way of doing what the hon. Gentleman is saying, which we, on this side of the House, agree with, namely that, in terms of the commercial operations of the airport, the

Government must be the ones that can go around telling commercial operators what it will cost them to land at Gibraltar. Now there are many different ways of achieving that, and the hon. Gentleman did one of them, which was to do an agreement with the RAF, or the MoD, in effect, to say, right, I will pay half of what you call your opex here, and I will then bear any losses, or pocket any profits, in respect of commercial landing fees that we are able (*Interjection by Hon. P R Caruana*) to recover from the airlines in that respect. I accept that that was *achieved* by the first agreement: he will agree with me, not very profitably.

Now, I think that that is an issue that we are looking at in a way that he, I hope, if we are able to deliver a more profitable equation, will agree it is not just good for us, as he said, but good for all of us. I am not pretending that there might have been any negotiating failure on his part. It is only after the agreement had lived out its *initial* life that it would be possible to analyse backwards whether the cost benefit analysis was based on the equations that he had on the table when he did that negotiation. Those are the issues we are looking at.

Hon. P R Caruana: Well, Mr Speaker, I do not want to risk straying into the public airing of issues that might benefit one side – the other side – more than our side in the negotiation, but as to whether it was profitable or not, that depends on how you measure profitability.

In the first place, it depends on what revenue he is putting on the other side of the column, against the 50% share of operating expenditure. If he is just putting against the revenue, against the operating expenditure contribution, if he is only putting the landing charges or the parking fees – which is what that buys us control of – (*Interjection by Hon. Chief Minister*) well, obviously, that does not produce a profit. But if he puts in the passenger taxes, the economic benefit of business done through the terminal by passengers and then factors, into both of those, passenger taxes and all of that, the traffic that might *not* have been generated if the MoD had priced the cheaper airlines out of the market, and then not only would we have lost the revenue but, more importantly – because, at the end of the day, Gibraltar needs to have an airport, like all these other places, even if it is subsidised by the Government: obviously we would like the subsidy to be as little as possible, but I do not think anybody is suggesting, and I hope *they* are not suggesting, that we do not want an airport unless it is cost neutral – if you measure profitability as a book-keeper would measure it, in our view that would not be the right way to do it.

You have got to value the macro-economic and societal benefits of having multiple services, by multiple airlines, who might not come unless the Government is in a position to give them discounts and deals on landing charges, and have a tariff structure with which they are content to come. *He* knows just how price conscious international airlines now are, and he knows very well that in most regional airports in Europe – not all – but in most regional airports in Europe, the airport authority actually pays the airline to come to the airport. One famous low cost airline came to us, demanding that, and we said ‘No, thank you’, so the economics of an airport are not as simple as the hon. Member says, and I would ask him to acknowledge that profitability depends on how you measure it.

Hon. Chief Minister: Absolutely, Mr Speaker.

He is absolutely right about that and you can put on the column of profitability just the landing fees, just the parking fees or you can add the passenger tax etc. At some stage, you have also got to say ‘Well, if I take this into the column in the analysis of *this* agreement’ – and I am going to ask him that we please not carry on, and continue this conversation outside – ‘all of those streams of revenue, then you have got to take it again out of your subsidy to the maintenance cost of the airport.’

In other words, either these things go towards the running of the airport, or they go *here* towards mitigating what this agreement costs us. But, look, that is the book-keepers’ approach, which I am not taking to the [*inaudible*]. I am keeping the book-keeper well at bay on this issue (*Interjection and laughter*). I understand that there are opportunity costs here, I understand that there are wider issues than just pounds, shillings and pence, based on tourism, availability of the sort of flights that we want to have, not just in terms of low cost airlines but also the airlines that provide the sorts of services, as a finance centre, we want to have available.

So it is not *just* an economic analysis, but there are economics here as part of the analysis, I hope you will agree. Therefore, looking at that equation and the formulae, that is where we are in terms of analysing where this agreement should go in its next incarnation.

**Positions filled without advertising or formal selection
Details of all Government or related posts**

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Clerk: Question 471, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, will the Chief Minister give details of all persons, if any, employed by, or promoted to, a more senior position within the Government, the GDC or any Government Company, Agency or Authority without a public advertisement of vacancy followed by a selection board?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Well, Mr Speaker, in respect, first, of civil servants, a Senior Executive Officer has been upgraded to Assistant Human Resources Manager with effect from 26th January 2012 – and please note that, for pay purposes, her salary is a fixed point between the maxima of the Senior Executive Officer and the maxima of the Senior Officer – having been Acting Human Resources Manager from September 2010.

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A Senior Executive Officer has been upgraded to Senior Officer with effect from 3rd January 2012 in the Parliament, upon the post of the Clerk to the Parliament having been upgraded in like manner. Both cases were referred to the Public Service Commission, for their recommendation to the Governor.

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In the Gibraltar Sports and Leisure Authority, two Clerical Assistants who are GSLA Grade 9s... (*Interjection by Hon. P R Caruana, followed by laughter*) – I maintain that the hon. Gentleman is more fun to deal with when he is being angry than when he is making fun of me! (*Laughter*). So two Clerical Assistants in the GSLA have been employed as from the 1st May 2012. The vacancy was advertised but no selection process carried out because both were long-term trainees through the ETB who had applied for the posts in question. A Sports and Leisure Assistant, who was a GSLA Grade 13, has been employed to commence work on 1st June 2012 – this vacancy was not advertised nor a selection board carried out because, in this case, the person is a long-term trainee on a sheltered employment basis; and an Assistant Pool Manager, GSLA Grade 11, three Pool Operatives/Lifeguards at GSLA Grade 13 and a cleaner have been employed to commence work on 1st June 2012. These vacancies were not advertised: these persons were all ex-GASA employees who have been retained by the GSLA, as the Authority who will be taking over all responsibilities for the running of the swimming pool complex as from that date – from 1st June 2012. However, they were all interviewed to assess their suitability.

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Hon. P R Caruana: Mr Speaker, dealing with the civil servants first, I actually was a very strong believer that people should be, in appropriate cases, upgraded in post. The Civil Service Union would come in on behalf of a particular officer and say we think this Officer is doing a job which appertains to a more senior grade, therefore we claim on his or her behalf that he or she be upgraded, and, of course, on occasions the Government agreed and, on occasions, the Government disagreed. That is called upgrading in post, in other words the person gets upgraded with the post because the person is doing a job that appertains to a higher grade or post. But when the Government wanted to do that – I do not know whether he is aware – as a matter of management judgement, rather than as a matter of union claim, this was a bellicose act. So upgradings in post were okay when the *Union* claimed it, but absolutely *verboten* when the Government wishes to do it. The question, therefore, is this: has the GGCA or Unite objected to the cases that he has announced, in terms of the Civil Service, of people upgraded in post, have they complained about that? And is he satisfied that it is consistent with his manifesto for the Civil Service which, as I recall, suggested that in future promotions would be on a different basis.

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Hon. Chief Minister: Well, Mr Speaker, in respect of the first, which is the Human Resources aspect, we are talking about the person – without naming them because I do not think it is appropriate to do so – who had been the Acting Human Resources Manager for two years, that was put in this position, (*Interjection by Hon. P R Caruana*) Mr Speaker, with close consultation with the GGCA. Mr Speaker, I say that because one of the key things that the hon. Gentleman will have seen in our manifesto was this question of the Civil Service Review and the effect of the Civil Service Review and the filling of vacancies etc etc required that the Human Resources Department should be able to operate, and he will know that in the last 2 years of his Administration there had been no Human Resources Manager, and for that reason Mr Speaker a Human

Resources Manager has now been appointed and this individual has been upgraded to Assistant Human Resources Manager with the Union so that was not an issue.

535 Mr Speaker, in respect of the other post, the issue has been for us that this Parliament is changing. The hon. Gentleman knows that that is the case and we are bringing much more work to the Parliament, we are meeting on a monthly basis and therefore we believed it was appropriate that the post should be upgraded to the post of Senior Officer. I don't see that that conflicts in any way with the approach that we have agreed to take and had set out in our manifesto, would be the way to deal with things in the Civil Service if we were elected. So I don't think that's an issue at all.

Hon. P R Caruana: Mr Speaker, the merits or lack of merits of the particular Civil Service examples that he has given is not what concerns me.

545 I am concerned with process. *Either* the Government believes that promotions within the Civil Service and, indeed, recruitment *into* the Civil Service should be by public advertisement and Public Service Commission or departmental – depending on the grade – selection board, followed by PSC approval, endorsement – and therefore it must do so in all cases – or it does not believe in that, and like us – *like us*, like my Government when we were on that side of the House – it believes that the Government, as a management device, *should* have available to it the power to upgrade people in post in appropriate circumstances.

550 Now, Mr Speaker, the practice that *he* has described, which we did *too*, is not a practice that the Civil Service union approved of – yes, Mr Speaker – and obtained from us an assurance that we would not carry it out.

555 Mr Speaker, if I can move on, if I could ask him a supplementary. Yes, upgradings in post... in other words, the Clerk of the House is under-graded for... the Clerk or whoever of the House, for example, is under-graded, for the nature of the work or the nature of the responsibility, or the volume, or a combination of all of them *and*, therefore, should be re-graded up to a higher post, and then the question arises, whether the incumbent in the original post should either be moved up with the upgraded post, or whether the upgraded post should be opened, with the risk that the incumbent may not win it – which I always thought was a *complete and utter nonsense* when the reason for the post, amongst other reasons, was that the incumbent was doing, successfully, the work that justified the post being upgraded in the first place.

560 All I am saying to the hon. Member is that that was hugely objectionable to the Civil Service unions at the time and I resisted them for as long... and one of the issues which did for the Civil Service reform was the widespread criticism of that very practice by the Government. This is the only reason why I am asking him.

565 Now, if I could ask him a question about the non Civil Service, particularly the GASA ones: these, presumably, Mr Speaker, I think I have correctly understood him to say, that there were two employees of GASA – which is not a Government organisation: I don't know if it is a company or a club or something, that currently runs the swimming pool, the original covered swimming pool which, apparently, the Government is now taking over, which I applaud, because that is something that I would have wanted to do as well, if I had been there. I think it is the logical thing, that that gets incorporated into the Sports and Leisure Authority – what the hon. Member appears to have told me, if I have correctly understood him, is that GASA's employees have been absorbed as part of the takeover, so to speak, into the taking-over organisation.

570 Mr Speaker, that may be fine and I do not criticise that, either, but when the Government, when *my* Government did that in respect of the employees of Knightsfield Holdings when *its* activities were going to be absorbed into the Culture and Heritage Agency, the hon. Member went off to the Principal Auditor and got him to write a report to suggest that there was some irregularity or impropriety about that arrangement, when all we had done was exactly the same thing. Government was going to take over the activities of Knightsfield Holdings, the activities of Knightsfield Holdings were going to be taken over by the Culture and Heritage Agency and the Government simply, therefore, said 'We'll take over the activities *and* the employees'.

580 Does the hon. Member accept that it is exactly the same transaction. If the Government takes over an activity, it cannot just leave, high and dry, the employees that used to be doing that activity with the previous organisation: you take over the undertaking, the employees, the activity and the facilities. That is exactly the same thing. (*Interjection*) Yes, paid employees.

585 **Hon. Chief Minister:** Mr Speaker, no I don't accept that premise, for this reason. Mr Speaker it is one thing to on an effective transfer of undertaking to take on 3 or 4 people at the swimming pool to continue to do what they were doing even though the organisation that runs it becomes a different one at the same pay and on the same terms and conditions that they were involved in. It is *quite another*, Mr Speaker, to take over an

590 organisation not by buying its shares, doesn't have to require, doesn't have to be the position – (*Interjection by Hon. P R Caruana*) – doesn't have to be the position in respect of a transfer, but taking over its activity and changing the terms and conditions of everybody who is coming over and bringing some new people into that equation as we had the debate in this House some time ago, *a dedo*, Mr Speaker, and creating a whole new different organisation.

595 Mr Speaker, that was the equation upon the creation of the Gibraltar Culture and Heritage Agency, that is what we disagreed with, that is what we believe the report from the Principal Auditor also highlights and that is why we think there is absolutely no possible comparison between the two. Mr Speaker, in terms of upgradings – and I know that the hon. Gentleman did a lot of it whilst he was in Government, I have just got what he did in the last year Mr Speaker – (*Interjection by Hon. P R Caruana*) – I'm going to, I mean again Mr Speaker I would rather he got angry, he is easier to deal with than when he is trying to be funny.

600 So Mr Speaker, I do not recognise any equilibrium between the two examples that he has provided.

Hon. P R Caruana: Mr Speaker, he may not see any equilibrium. I have read the Principal Auditor's report: he was good enough to send it to me privately and confidentially, in a manner that I cannot now allude to, as he does. He alludes to its contents, but I who have now read it –

605 **Hon. Chief Minister:** Point of Order, Mr Speaker.

I am quite willing to assist the hon. Gentleman. What I said to him at the time – I said to him across the floor of the House and in the letter that I sent him with the report – was that it was being sent to him on the basis that he would not refer to the names of the individuals who were referred to in it.

610 Other than that, I have no difficulty with him constructing such defence as he wishes, based on what he has seen of the Principal Auditor's statement. That is what *Hansard* will show I have said, and what I think my letter reflected.

Hon. P R Caruana: Mr Speaker, I am very grateful for his clarification. I intend to do precisely that.

615 The point, Mr Speaker, is that what the Principal Auditor was commenting on was on the very practice that he has now done with GASA: he was simply commenting that there had been *no* recruitment process, and I do not understand why the hon. Member is saying that there were people 'roped in'.

620 The Government was mopping up from within other Government Departments and from Knightsfield Holdings, a Government contractor. The Government was putting all the activities together under the umbrella of a new organisation called the Culture and Heritage Agency and was pooling the premises, the people and their functions and responsibility, and bringing them all under one roof.

625 Some of those people were coming from the Knightsfield Holdings Limited, others were already in the Government. We selected a CEO from No. 6 Convent Place. That has now been reversed and, of course you cannot bring people in to the public sector and have them all working at different rates of pay, so you have got to harmonise their pay and conditions to what a Chief Executive of an Authority earns, and to what the people who are coming from the Civil Service earn and are going to be working side by side. But the *basic activity* of getting individuals from the private sector – in your case GASA, and in our case Knightsfield Holdings Limited – and inducting them as part of a takeover of the undertaking, straight in to the public sector, whether it is as an employee of the GDC or the employee of whatever, without advert, it is exactly the same activity.

630 That we then said, 'Right, you have not had a pay review as employees of Government contractors for quite some time because the contract had expired and the price had not been renewed', well, Mr Speaker, there is no difference between that and renegotiating the price of the contract and paying more to the company for *them* to pay their staff more, which is how it is normally done and how it would have been done if the Government had not decided to take over the activity, rather than renew the contract.

635 The idea that the Government could take into the public service employees from a private company that had not been able to keep their income up because the Government had not uplifted their revenue – the company's revenue – and not review the salaries as part of the same activity, Mr Speaker, there are people in this House who know that that is not realistic. For the hon. Member to try and dress that up as some desire to somehow do something for the benefit of those individuals for extraneous purposes is simply indefensible.

640 The fact of the matter is that *he* – and I do not criticise it because I do not say it is wrong. It was, in my view, right when we did it, and it is no less right now that they do it. If they take over activities they have to take over the employees that do those activities as well, and I would ask him to agree with me that takeover practice has to include harmonising the pay to the pay that those functions attract elsewhere comparable in the

public service. That is what I admit to doing and I am certainly not apologetic or defensive about it.

645 **Hon. Chief Minister:** Mr Speaker, I do not accept that that is what the hon. Gentleman did, but never let
it be said that I have accused the hon. Gentleman of trying to be more or less generous to any individual for
any reasons which are anything other than him trying to win the last General Election at any price possible,
650 because, Mr Speaker, to say that all of this talk of pay rises, and keeping people at the right level, only
crystallised in his mind when he came back from holiday – I don't think that he went on quite such a long
holiday in August – and on 1st September started his pay-rise tour of the Rock, when he went around different
workshops and they gave 12% here and 17% there, and then absorbed things which had been done outside of
Government for the past 15½ years, but which he felt were *essential* to be done within Government – *and*
with a pay rise – just in time for a General Election, is not to suggest that he is singling anybody out for
655 benefit other than himself, in the attempt to use public money to secure votes!

655 But Mr Speaker, we do *not* accept that taking in four or five people at GASA because the GSLA is going
to take over the running of the pool, something which he thinks also is a good idea, is the same as creating an
Agency to do something that was being done in a company, bring in new people to the Agency from different
parts of Government and the Private Sector and creating a new pay regime for that entity, Mr Speaker, it just
is *not the same*.

660 I know that the hon. Gentleman is desperate to cling on to the slightest cover that may *somehow* obfuscate
what he got up to that last quarter, in that attempt to win the General Election. Look, Mr Speaker I don't think
I will ever succumb to that. But look, I salute him for giving it a go, but he should not try and suggest
(*Interjection by Hon. P R Caruana*) that our taking on these people who were at GASA into the GSLA, to
665 continue running the pool on the same pay that they were earning before, on the basis of what is, in effect, a
TUPE transfer, has anything to do with what he did in the Culture and Heritage Agency. They are as different
as night and day.

Hon. P R Caruana: Yes, Mr Speaker, as much the difference between night is day, as getting 400
670 trainees and doubling their pay just before the Election in order for them to carry on doing exactly the same
work (**Several Members:** Hear, hear.) as they were doing before –

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

675 **Hon. P R Caruana:** The only political party –

Hon. Chief Minister: Point of order, Mr Speaker!

Hon. P R Caruana: *The only political party –*

680 **Hon. Chief Minister:** Point of order, Mr Speaker!

Hon. P R Caruana: *What the hon. Member is accusing me of...–*

685 **Mr Speaker:** Order! There is a point of order

Hon. P R Caruana: Well, you don't know yet, whether there is a point of order!

Hon. Chief Minister: Yes, Mr Speaker, there is a point of order.

690 **Mr Speaker:** The Hon. the Chief Minister has said he wishes to raise a point of order.

Hon. P R Caruana: Yes, and are you going to let him do it, whether or not – ?

695 **Mr Speaker:** Until I hear it, I cannot say anything about it.

Hon. Chief Minister: Mr Speaker, it is an *obvious* point of order and I am sure the hon. Gentleman will
accept it.

700 We were not able, however much we would have tried to, to raise the salaries of 400 trainees before the Election, because before the Election, it was only he who had the power to do it, and we who had the power, as any political party to *propose* it, but we could not raise their salaries.

Hon. P R Caruana: Mr Speaker, that is not a point of order; it is just a reply to an argument!

705 **Mr Speaker:** No, exactly, it is a reply.

Hon. P R Caruana: Which is what he always does (*Interjection by the Hon. Chief Minister*) and it is you, Mr Speaker, who always permits it! (*Laughter*)
You *always* fall... The Chair *always* falls for the same trick from the Hon. Mr Picardo!

710 **Mr Speaker:** Well, I –

Hon. P R Caruana: I know that (*Interjection by Hon. Chief Minister*) he was not Chief Minister before 9th December and I know, therefore, that he did not have the power; but does he really think that that distinction is relevant, forensic, to the political point that we are debating?

715 The fact of the matter is that it was *he* who went around Gibraltar saying to people, ‘If you vote for me, I will double your income for exactly the same as you were doing before for half the income.’ And then he comes to this House and says that *I* was doing it, which I did not, and then he says that roping in, without advertisement, into the public sector, employees of GASA, because the Government was going to take over the pool, somehow that is different from the Government saying to the employees of Knightsfield, ‘Come in, because the Government is going to take over.’

720 And this business about the pay rise, the Government had two alternatives, Mr Speaker! The Government had two alternatives: it could either *renew* the Knightsfield contract –

725 **Hon. Chief Minister:** Where is the question?

Hon P R Caruana: There will be a question. (*Laughter*) This is as much a question as *his* point of order was a point of order! (*Laughter*)

730 Mr Speaker, the hon. Member has to understand that there is a choice. The Government could either renew the Knightsfield contract – and by the way, Mr Speaker, the Culture and Heritage Agency was not set up for the purposes of taking Knightsfield; Knightsfield was one of many activities, many already within the public sector, that were going to be roofed in common under the Culture and Heritage Agency. But the Government had about Knightsfield two choices: include them in this new project or leave them out, renegotiate the annual fee payable to Knightsfield, so that they could increase the pay of their staff, because that is what they had to do.

735 That is why, Mr Speaker, if the Government says, ‘Well, alright, I am not doing that. I am going to bring you in to the Government, that the takeover includes, in part, doing...’ Of course, this applies to the operatives: it does not apply to the senior management, who were, in effect, being placed... I do not know, at either Assistant CEO, or CEO level, the Director of the Company. We are talking about the main body of people.

740 So, Mr Speaker, and I am not... Does the hon. Member acknowledge, that my questions are not designed to disapprove of the things that he is saying to me; simply to compare what he has done with what we were doing and with what the unions used to feel before was unacceptable?

745 **Hon. Chief Minister:** Well, Mr Speaker, look, I am not going to accept or not accept what it is that he has designed the question for. It is up to him to tell us what he has designed the question for and those who wish to accept it at face value will.

But I am getting increasingly concerned, Mr Speaker, that I see the hon. Gentleman almost demob happy. It is not his usual self. He is being far too friendly in the House today and I am just wondering what it is that is around the corner! (*Laughter*)

750 Mr Speaker, on the substance of this, look, I know that the hon. Gentleman is *embarrassed* to have gone around town, just before the Election, with the cheque book, offering always more than 10% –12% here; 16% there; ‘GSD keep trusting, here is your pay rise’, because he had the cheque book before the Election.

Hon P R Caruana: Well, Mr Speaker –

755 **Hon. Chief Minister:** But I am *not embarrassed*, Mr Speaker –

Hon P R Caruana: I have a point of order now.

760 **Hon. Chief Minister:** Here we go!

Mr Speaker: I must listen to the point of order.

Hon. P R Caruana: He must listen to the point. (*Laughter*)

765 This is the *second time*, Mr Speaker, that the hon. Member has said that I went round town with a cheque book, offering, between the summer and the Election, pay rises to people above that to which they might have been entitled. I think the hon. Member at least has got to illustrate that, by giving examples of it. He cannot continue to assert something, which I am telling him is not true, and simply assert... He has to take responsibility for the accuracy of the facts that he asserts in this House.

770 **Hon. Chief Minister:** Mr Speaker, that was definitely *not* a point of order, (*Interjection by Hon. P R Caruana*) but a substantive reply to the remarks being made by me, which I am going to continue to deal with, Mr Speaker, by way of what he calls justifications.

775 It is *known to all* that in those last few months, the hon. Gentleman was offering pay rises. Mr Speaker, he would say, wouldn't he, to people who deserved those pay rises? I make absolutely no qualms about whether people deserved pay rises or did not, but the hon. Gentleman will know that there are a lot of people who he did not get around to in that magical mystery tour with the cheque book, who also feel that they deserved the 15%, the 16% and the 12%. (*Interjection by Hon. P R Caruana*)

780 But, Mr Speaker, for him to try to obtain some element of cover by, first of all, equating what he did with what we have done with GASA and the GSLA and, in particular, the what he calls 'doubling' of salaries of trainees is political desperation of the worst sort. (*Laughter by Hon. P R Caruana*)

Mr Speaker, these trainees were excluded by him and his Government, and in particular by one ex-trade union official who used to be in his Government, who had responsibility at the time when it happened for Employment – although I do not suggest for one moment it was his idea – from the minimum wage.

785 So it is not that we *doubled people's salary* – although I always respect the hon. Member's ability to articulate things in such a pejorative way that they seem to suggest that we have done something nefarious. It is not that we went around saying 'Boys, vote for us for double the salary!' It is that, in a modern European democracy, we went around saying 'Boys, it's a scandal that you have been excluded from the minimum wage in 21st century Europe, and if we are elected, you will be given the protection of the Employment Act,' which does not just deal with salary. It deals with all the other protections that are afforded to those individuals who come within the protection of the Employment Act (**Several Members:** Hear, hear!) – the rights to claim unfair dismissal, etc, etc.

790 To equate that with the attempt – which, as a politician, *chapeau!* He tried it! – to win a fifth General Election with the pay rise mechanism – I put it no higher and no lower than that – is really, Mr Speaker, comparing apples and pears. The two could not be more different.

795 But if I may say so to the hon. Gentleman, Question Time should not be a pretext for debate. He has asked for information. We have provided him with the information. If he feels aggrieved in this respect and he wants to raise the issue in this House, let him put a motion and let us have a debate – but this is Question Time.

800 **Hon. P R Caruana:** So it seems, Mr Speaker, I am not going to get the examples of the things he keeps on accusing me of doing and I take note of the fact that he has declined the opportunity to do so. I have a new supplementary for him.

805 Mr Speaker, he has just said that a Minister of my Government, whose idea he does not think it was, has excluded from the minimum wage, youth trainees etc. Can the hon. Member tell this House, when members of the Youth Training Scheme, the Scheme that was set up by the previous GSLP Government, were ever covered by the minimum wage, which was also established by the previous GSLP Government? When was it ever so? Only if it was ever so could anything that *we* had done have amounted to excluding them from it.

The suggestion that he has made, clearly in ignorance of the history of this matter, is that it was once like

810 this and we changed it and the effect of changing it was to exclude them. I now ask him to say when it was ever so, for us to have changed?

Hon. Chief Minister: Mr Speaker, I will provide that information to the hon. Gentleman. I cannot provide it on my feet but I will provide it.

815 **Hon. P R Caruana:** It is *not the case!*

Hon. Chief Minister: It *is* the case, Mr Speaker; he knows it is the case and I will provide it to the hon. Gentleman.

820 **Hon. P R Caruana:** No, Mr Speaker.

Mr Speaker: Order! Order! Order!

Hon. Chief Minister: And, Mr Speaker, if he wants to take the debate further –

825 **Hon. P R Caruana:** No, Mr Speaker.

Hon. Chief Minister: If he wants to take the debate further, let him *put a motion*. We have provided the information we were asked for in this question. We have had a debate –

830 **Hon. P R Caruana:** No, we haven't had a debate!

Hon. Chief Minister: – quite far from the issues that the question raised, and now, Mr Speaker, he has asked me to provide information, which I cannot provide him on my feet, but which I will provide him.

835 If he thinks that I am going to try and hide by not providing it to him now, I am quite happy to provide it to him by way of press release rather than by way of letter.

Hon. P R Caruana: Well, Mr Speaker, that may be true, but his colleague in Government that he previously referred to as the book-keeper, who was the architect of both the Youth Training Scheme and the minimum wage can tell him right now that his statement is not accurate.

840 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman will forgive me for now moving that the House do now adjourn for 10 minutes.

845 I will explain to him – (*Interjection by Hon. P R Caruana*) I will explain to him why – (*Interjection by Hon. P R Caruana*) and it is completely unrelated to the remarks that he was making a moment ago.

Mr Speaker: Yes, I was aware that the Hon. the Chief Minister would want a short recess. The House will adjourn for 10 minutes, thereabouts.

The House adjourned at 4.10 p.m. and resumed its sitting at 4.25 p.m.

850

Procedural

855 **Clerk:** Mr Speaker.

Mr Speaker: If the hon. the Leader of the Opposition intends to pose further supplementaries on the last question we were working on, I think I should express the view that we seem to have drifted far away from the original question, and I would ask him to articulate the next question more in keeping with the original question.

**May Day and Workers Memorial events
Expenditure by Government and Unite**

865 **Clerk:** Question 472, the Hon. P R Caruana.

Hon. P R Caruana: Will the Chief Minister say what has been the total cost to Government from the May Day and Workers Memorial events, and how much of that represents expenditure, the cost of which has been shared with Unite; and, in respect of the latter, what proportion of those costs did the Government bear?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, the total cost of the May Day event was £19,293, of which £14,293 was borne by the Government and £5,000 by the Gibraltar Trades Council, being half the fee of tax.

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The total cost borne by the Government in connection with Workers Memorial Day, amounted to £1,482.

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**Consultancy with former Chief Secretary
Length of arrangement**

Clerk: Question 473, the Hon. P R Caruana.

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Hon. P R Caruana: Mr Speaker, can the Chief Minister say how long he envisages that the consultancy arrangement with former Chief Secretary, Mr E Montado, will endure?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo):: Mr Speaker, the consultancy arrangement with former Chief Secretary, Mr E Montado CBE, is not for a fixed period and we have the benefit of it continuing, until such time as the Government and Mr Montado consider it beneficial for Gibraltar.

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Hon. P R Caruana: Oh, I see, Mr Speaker, so what he told the House the last time, that it was for transitional arrangements purposes, is no longer the case?

Hon. Chief Minister: No, Mr Speaker, it is still the case, but those transitional arrangements may take a little bit longer than the hon. Gentleman seems to think transitional arrangements take; or is it that there is a period in which transition occurs? If he can refer me to it, then I will look at the definition that he seems to think is the appropriate one.

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Hon. P R Caruana: Yes, Mr Speaker, the concept of transitioning arrangements is that you transition between one thing and another. Those are not normally open-ended arrangements.

If the hon. Member is saying that what, in effect, is happening is that Mr Montado has returned to No. 6 Convent Place more or less on an indefinite basis, because an arrangement that continues until one or other side no longer wants to continue it, and whilst both remain happy with it, that is true of *every* employment arrangement, to consult, that is not a transitional arrangement. So, is it a transition arrangement or is it an *indefinite* arrangement of a return to No. 6 Convent Place?

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Hon. Chief Minister: Well, Mr Speaker, it would be a fairly ungenerous contract of employment, if it were a contract of employment, which is how the hon. Gentleman has just characterised it, given that it is for no remuneration, as I did clarify at the last opportunity.

Mr Speaker, actually I should not have taken the hon. Gentleman at his word. What I said, in answer to Question 322 of 2012, was that we had approached Mr Montado last month and asked him to provide advice and support, particularly in relation to the transitional period, but not exclusively.

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So, Mr Speaker, I do not think that the analogy that the hon. Gentleman has drawn is valid in any sense,

and I am delighted to confirm to the House that Mr Montado will be available to the Government as long as the Government wishes him to be available and he wishes to be available to the Government.

920 **Hon. P R Caruana:** So therefore on an indefinite basis?

Hon. Chief Minister: Yes, Mr Speaker, because that is what 'indefinite' means, (*Interjection by Hon. P R Caruana*) but *not*, Mr Speaker, on the basis of an employment agreement, as the hon. Gentleman sought to characterise a moment ago.

925 **Hon. P R Caruana:** Mr Speaker, can the hon. Member say, just by way of indication, since he was appointed, how many hours a week on a typical week has he devoted to these altruistic arrangements?

930 **Hon. Chief Minister:** Well, Mr Speaker, I cannot. I would need to have notice of that question because I am not involved in seeing Mr Montado, when he is at No. 6. He is usually dealing with the current Chief Secretary, Mr Gomez, and other administrative officers, in assisting *them*.

935 But, if the hon. Gentleman wants me to seek that information and write to him to inform him or otherwise inform the general public of how many hours we, as a community, need to be grateful to Mr Montado, for him agreeing to provide, free of charge, to the benefit of the Government and the people of Gibraltar, I am delighted to do so.

Hon. P R Caruana: Well, Mr Speaker, there is quite a lot in that statement which is not universally a shared view.

940 The hon. Member appears to think that people who are paid for by one party working free for another... that that is an entirely satisfactory arrangement, regardless of whether gratitude to Mr Montado is called for or not. It is not universally believed that such arrangements are either conventional or appropriate.

945 It is not *just* a question of a bilateral relationship between the... Clearly, Mr Montado is a greatly experienced, ex-most senior civil servant in Gibraltar, with a huge amount of experience, both in domestic and external matters, and if the Gibraltar Government wants to avail itself of those services, there is nothing wrong with doing so, just as *we* did so in respect of some other civil servants that have retired at a different level from the public administration. But the Government does it directly, and either pays for it, but does not use people's time which is being paid for by somebody else...

950 Now, the last time I made similar remarks, all manner of people made public statements to the effect that there was some insinuation of impropriety. There is no insinuation of impropriety to the person who is paying Mr Montado, whilst he is advising the hon. Member; but it is not the *conventional* way of doing these things. The conventional way of doing these things is that the Government engages the consultant directly for a fee, usually, but for nothing, if the consultant wants to do it for nothing; but it is not normal for a private sector entity to deliver the time at their financial expense – which is not to suggest impropriety. There were all sorts of statements about whether I was imputing that this or that was going to happen. I said nothing of the sort, and when the allegations were made publicly, I did not think it necessary to defend myself or to clarify statements that I had not made.

955 But it is *not* the normal way that things are done; the normal way that things are done would be slightly different. But the Government... the Opposition does not see anything untoward *at all*, in the Government availing themselves, on a consultancy basis, of whatever advantage the Government may think accrues from clawing back some of the accumulated experience and skill of Mr Montado or any other retired civil servant – except that when *we* did it, the hon. Members disapproved of it, so the disapproval must have been based on the fact that the Government was paying for it, as opposed to somebody else paying for it.

965 **Hon. Chief Minister:** I think I discerned a question there, Mr Speaker.

It is not all manner of people, Mr Speaker, that raised issues publicly, after the comments made by the hon. Gentleman the last time that this was debated, in March, or was the subject of questions in March; it was the partners of Hassans and Mr Montado himself – not 'all manner of people'.

970 So you see, Mr Speaker, the hon. Gentleman said that there are those who believe that this is not a usual arrangement. Well, Mr Speaker, those who believe that, we think are in a very small number. He happens to be sitting opposite and they are not in Government, so we do not think that that is at all an issue to be concerned about, (*Interjection by Hon. P R Caruana*) because, Mr Speaker, unless the hon. Gentleman has got

975 up this afternoon to be an advocate for a fee to be paid to Mr Montado, then I do not discern *anything* in what he is saying that could possibly change our mind in accepting Mr Montado's generous approach to this, which is to say, 'Look, I am there to help Gibraltar. I am there to give you the time that you need, to provide the expertise that I have, in order to assist your Government', and to assist not just the political Government but the administrative Government, which is where Ernest Montado's expertise has always been.

980 So, Mr Speaker, the people who think that this is not normal are not the people sitting here, and they are not the people in 6 Convent Place, who are not politicians, who have welcomed Mr Montado, who, apart from being eminently capable and very experienced, is very well liked, and always has been very well liked by just about everybody who has ever been at No. 6 – although there are some apparently notable exceptions.

So, Mr Speaker, frankly, for the Leader of the Opposition to be making such an issue of the fact that the Government has no –

985 **Hon. P R Caruana:** Mr Speaker, would the hon. Member care to clarify, the 'notable exceptions' was intended to mean me? Is that what he meant?

Hon. Chief Minister: Well, Mr Speaker, I might be able to think of a few others.

990 **Hon. P R Caruana:** But including me? What *basis* does he have for saying that?

Mr Speaker: Order! Order!

995 **Hon. Chief Minister:** Mr Speaker, the basis that I have for saying that is that a man who is retired gives his time to the Government – the political Government and the administrative arm of Government – in order to assist by providing his expertise, his understanding and his depth of knowledge, and it is the subject of questions in this House!

1000 Well, Mr Speaker, he is right, the issue that we used to take, when he used to do the same sort of thing, involving highly paid consultants was the 'highly paid' bit because, on many occasions, we believed they were *overpaid* for the work that they were doing, and in some instances, as he will know, because I expressed it from that side of the House, I believe that the arrangements had been entered into in breach of European procurement rules.

1005 But Mr Speaker, having expertise available for the benefit of the people of Gibraltar and its Government, we think is a great thing. Therefore, I do not know what it is that is making the hon. Gentleman make me stand up to defend these eminently proper and eminently justifiable and eminently advantageous arrangements for the Government and the people of Gibraltar.

1010 **Hon. P R Caruana:** Mr Speaker, he is not the sole judge of whether things are 'eminently proper'. And, Mr Speaker, the hon. Member who so professes to believe in the importance of transparent parliamentary democracy cannot reduce to a personal attack on the subject the Leader of the Opposition's entirely *proper* probing of arrangements that the Government enters into for the conduct of the public affairs of Gibraltar.

1015 And it is *wholly improper* for him to suggest that, because I am asking him, because I want in the public domain and I want to question, query and get to the bottom of the arrangements relating to the use by the Government of an external consultant, that that somehow means, as he has felt free to say, that I am part of the 'notable exceptions' who did not like Mr Montado at No. 6 Convent Place, despite the fact that everybody else did! He has no *right* to come to that conclusion.

1020 The only conclusion that he has a right to come to is that, notwithstanding that he served my Government for many years, without once opening his mouth to suggest that he was unhappy about *anything*, he, despite having been a professional secret... civil servant – (**A Member:** Secret!) civil servant, then made very serious – and may I hasten to add, completely incorrect – allegations against me, in the newspapers, in the context of accepting the arrangements that the hon. Member thinks is conventional. *That* is the only thing that should surprise him about Mr Montado and Mr Montado's statement.

1025 I have never said anything, either when I was his Chief Minister, or since I have been Chief Minister, or the last time I raised this matter in the House, or today – I have never said anything that entitles the hon. Member or anybody else to conclude that I had anything other than respect for Mr Montado. Indeed, today I have acknowledged all of his skills and experience and expertise.

The hon. Member, as always, in his inimitable spin style, simply blusters and distorts simply to hear

1030 himself say the things that he wants to hear himself say. But he must not delude himself. It does not make them true – otherwise, let him point to any remark that I have made about Mr Montado that suggest that I did not like Mr Montado, which is, in effect, what he has said in this House, today.

1035 **Hon. Chief Minister:** Well, Mr Speaker, I am not the sole judge of what is proper, the hon. Gentleman starts by saying. But then he gets up and carries on by saying that something that I have done is improper because, of course, in the world of Peter Caruana, in the world of the hon. Gentleman, he can be the judge of what is improper when I do it, but I am not able to be the judge of what is proper or what is not improper. Mr Speaker, *Hansard* will be a laugh a minute for those that come behind us, to look at what the hon. Gentleman used to say, when he opened his mouth in this place.

1040 Mr Speaker, the hon. Gentleman said of those interventions that had been made in the local press by all manner of people – actually, the partners of Hassans and Mr Montado, one in the press statement and one in a letter – that there was nothing that he felt he needed to defend himself from, in respect of those correspondences and press statements. That he said, of course, in his earlier intervention. In this intervention, he has said that Mr Montado made very serious allegations against him, in the letter that he sent to the press.

1045 Well, look, Mr Speaker, he needs to make up his mind. Was there nothing to defend himself against or was there something which was so serious which merits comment? Mr Speaker, clearly we are not going to agree on this issue.

The position of the Government of Gibraltar –

Hon. P R Caruana: Mr Speaker, I am going to make a point of order.

1050 I am sorry, Mr Speaker, the hon. Member is *again* manifestly confusing and then distorting what I have said. I have said that I did not feel the need to defend myself from any of the allegations that were made, following our last discussion of this matter in Parliament, namely things that were said.

I have not addressed the question of what Mr Montado said about what he thought, what he had said before that, Mr Speaker – nothing to do, one thing with the other.

What I have said to this House –

1055 **Hon. Chief Minister:** Point of order.

Hon. P R Caruana: No, Mr Speaker, he has to accept what I said. (*Interjection by the Hon. Chief Minister*) Yes, Mr Speaker, he may then be as critical with what I said as he wants; but he cannot reinvent what I said, for the purposes of then being critical about his reinvention.

1060 I have said that when I last spoke in this House, I said certain things. I asked him certain questions both primarily and then in supplementary –

Mr Speaker: Well, I think I –

1065 **Hon. P R Caruana:** – and then in supplementary, and that provoked a pretty furious response in the media from, amongst others, a letter that purported to be signed... well, it was not signed by anybody; it said at the bottom, ‘The partners of Hassans’, so I suppose it was written on their behalf.

1070 The things that were said in that letter, in my view, simply did not reflect what I had said in Parliament and, therefore, I did not feel it necessary to engage with them in defence of those allegations, but I will not be intimidated from probing, in this Parliament, legitimate issues of the conduct of public affairs, either –

Mr Speaker: I think the point of order is that the Hon. the Chief Minister is distorting your line of argument. Is that correct?

1075 My understanding is that we are now in the throes of an argument where we have gone beyond the question. Statements are being made by both sides, which *invariably* portray what one side or the other intends to convey. I do not see that as a distortion.

Hon. Chief Minister: I am obliged to you, Mr Speaker, so I will continue with my answer to the supplementary.

1080 But, Mr Speaker, moments like this must make you think... I bet you are glad you are going – even if it is in September!

1085 Look, Mr Speaker, our position is very simple. We think that these arrangements are *excellent*. Not only are they proper, they are absolutely beneficial to the people of Government and administration of Gibraltar, and we think the longer that they can continue and Mr Montado can be persuaded to provide us with his expertise at no fee, we think that is actually a genuinely good thing.

1090 It can only *not* be a good thing, if the hon. Gentleman is again going where he went, which is to say, in the last exchanges, the last time in the House, ‘Because he is paid by somebody else is he that organisation’s insider?’ Mr Speaker, we do not believe that that is the issue here at all. The hon. Gentleman, in my view, in his first supplementary, has once again raised that spectre by not using those words.

1095 It may be, Mr Speaker, that this is a case of ‘you say *tomayto* and I say tomato’, and we are never going to agree, because the position of the Government of Gibraltar would be simply to record gratitude to Ernest Montado CBE for giving us of his time, both at a political and an administrative level, for the good of the people of this fair city.

1100 **Hon. P R Caruana:** Well, since there appears to be no point of order capable of prospering against the hon. Member, can I just limit myself to say two things: first of all, that whether the Speaker is exasperated, to the point where he may be glad that he is going – let us put it no stronger than that – is a matter of complete indifference to the Opposition’s right to ask the Government questions about Mr Montado or *any other* aspect of public affairs. He can glibly reduce this House to that sort of pantomime, by aside remarks of that sort, if he wants to; but it will have absolutely no impact whatsoever, whether the Speaker wishes he was sitting on the Chair or not, on the way that the Opposition conducts its business.

1105 *Secondly*, Mr Speaker, will the hon. Member accept and not therefore repeat, that I have not said – as he has just *again* wrongly imputed to me, with impunity... that I did not say that the arrangements were improper; I have said that they were *unconventional*? Even *he* must be aware of the difference between the two things.

1110 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will allow me to welcome back the character that I have known for the past eight years and I thought, for a few hours this afternoon, we might have lost! One now knows one’s adversary again.

1115 Mr Speaker, look, it is not a question of glibly reducing anything in this House. It is that simply sometimes one needs to keep one’s feet on the ground and not build an edifice of every argument that we are having, in an occasion when we should not be having arguments, because this is not argument time; it is Question Time – but it turns *always* into argument time or into debate time.

1120 Mr Speaker, frankly, there is a big difference between ‘unconventional’ and ‘improper’, but I am not going to accept that what the hon. Gentleman was meaning was unconventional, when everything that he was saying was pointing towards improper (*Interjection by Hon. P R Caruana*) and when he was Chief Minister –

1125 **Hon. P R Caruana:** I have a point of order!

1130 **Mr Speaker:** No, no, no!

1135 **Hon. P R Caruana:** I have a point of order!

The hon. Member cannot impute to me improper motives different to the words that I have chosen to choose! He is *not allowed* to do that!

1140 **Hon. Chief Minister:** No, Mr Speaker, the rule is that I cannot impute improper motive. It is not that I cannot interpret what the hon. Gentleman is saying, otherwise, Mr Speaker, he needs to go back to *Hansard* for the past 16 years with a blue pencil and put it through most of what he has said in response to Members of the Opposition most of the time, which was to take what we had said, either in the Budget debates or in answers to a question, turn it into what he said we had said and answer that. That is *paraphrasing*, Mr Speaker – not imputing a motive.

1145 **Mr Speaker:** On the point of order, the Hon. the Leader of the Opposition asked the Chief Minister to agree something, and the Chief Minister replied he does not agree because what the implication of the question was something which was not on the face of the question. That is his means and his manner of answering the question. Surely he is entitled to answer the question. He does not have to answer the question

in a manner which is designed to elicit a particular answer (**Hon. P R Caruana:** No.) and therefore by answering the way he does, he is not out of order.

1140 **Hon. P R Caruana:** No, but what he is *not* entitled to do is to say in his answer that I have said that it was improper, when I have not said that it was improper.

Mr Speaker: No, he said that was his interpretation.

1145 **Hon. P R Caruana:** I am sorry, he is not allowed to mis-... he is not allowed to restate my words, put in inverted commas by attributing to me words that I have not used, simply because he has so interpreted the different words that I used.

And Mr Speaker, if *that* point of order will not prosper with you, I am not going to bother to make any more points of order in this House.

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Several Members: Ooh!

Hon. Chief Minister: Well, Mr Speaker, I do not know whether that is a point of order, but it sounded to me like an appeal against your decision on a point of order.

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But Mr Speaker, look, the hon. Gentleman needs just to go back. Do not go back 16 years; go back eight, in the time that I have been here as a Member of the Opposition! That was the hon. Gentleman's routine attitude, without accepting that that is what he was doing.

I *at least* have said that I acknowledged that he said 'unconventional' and that he did not say 'improper', but that everything that he said around the word 'unconventional' was designed, in my view, to suggest impropriety.

1160

Mr Speaker, there is nothing wrong with suggesting impropriety, because that is what he is paid for. If he believes that there are arrangements which are improper, he comes to this House, he gets up and he says either, 'Those arrangements are improper', or he couches his language, not using the word 'improper' in a way that suggests it, for those who might care to listen, at this time in the afternoon, to his meanderings.

1165

Well, Mr Speaker, frankly, the position on this question is not going to change. We continue to be exclusively of the view, on this side of the House, that these arrangements are proper and I dare say they are conventional in many respects and unconventional in others, and that has nothing to do with the value of what Gibraltar gets from Ernest Montado, with the propriety of what Gibraltar gets from Ernest Montado and from the fact that we are going to continue to take it.

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And if the hon. Gentleman believes that he can bully you, Mr Speaker, into making decisions on points of order the way he wants you to make them, by making threats like the one he is making, I am sure, Mr Speaker, (a) that he cannot, because you are made of sterner stuff than that; and (b) frankly, the Government would be delighted to see him just debate points or ask questions, rather than get up with points of order, just for the sake of hearing the bluster that comes out of that mouth.

1175

Hon. P R Caruana: Mr Speaker, if the hon. Member does not mind, I will continue to conduct the affairs of the Opposition in whichever way I think appropriate. And I am certainly not going to take lessons from him in the conduct of any of my public duties – why should I? I think our respective records speak for themselves and I think those distinctions will speak for themselves even more loudly, as people see how he is discharging his current responsibility.

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But certainly, Mr Speaker, the hon. Member feels that it is proper – and apparently, Mr Speaker, thinks it is okay, too, which therefore I suppose makes it okay – for the hon. Member to constantly be making denigrating, derogatory, aside remarks about the nature of how I go about my business. We can reduce this Parliament to that, if that he wants to do, but it is *he* who is doing that, not me. If he wants me to constantly punctuate my contributions in this House with colourful descriptions of how *he* goes about the business in this House, he knows very well that I can do that very easily, but I am not going to be dragged down into the gutter with him, by him.

1185

Hon. Chief Minister: Mr Speaker, I do not know where the hon. Gentleman has *been* for the past 16 years! I think he may have – (*Interjection by the Hon. P R Caruana*) he may be suffering from political amnesia, because he is doing what he is accusing us of doing – the very things that he used to do – which we

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believe we are not falling into the trap of doing.

1195 But, Mr Speaker, let us put it this way: in both the occasions, one of them happy, one of them less happy, when I have had occasion to address the issue of the Chair, on both of them I have thanked you for the way
1200 that you have dealt with issues that affected me and what I had described advisedly as some of the cruellest moments that this Parliament may have seen – *cruel*, Mr Speaker, because the hon. Gentleman, when he was the incumbent of *this* Chair, felt that it was up to him to decide the fitness and propriety of people to hold office in this House, to make comment on that publicly here and outside. So, Mr Speaker, for him to now say that he does not do that is really, Mr Speaker, for the hon. Gentleman to have characterised for all of us the Election loss as the biggest car crash in history, in political history, which has given him such political amnesia that he cannot remember how *he* used to behave when he was the incumbent of 6 Convent Place and of this Chair.

1205 **Mr Speaker:** Okay, order.

There has been no question. Each side has made a statement of its position. We must move to the next question.

1210 **New power station
Plans for building**

Clerk: Question 474, the Hon. P R Caruana.

1215 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether the Government envisages that it will build a new power station at Lathbury Barracks or elsewhere?

Clerk: Answer, the Hon. the Chief Minister.

1220 **Hon. Chief Minister (Hon. F R Picardo)::** Mr Speaker, the Government remains committed to the establishment of a new power station for Gibraltar, using best available technology principles. The process of analysing *all* the options available in respect of which technology is the most appropriate to secure Gibraltar's electricity needs for the coming generations and how best to integrate the use of renewable sources of energy continues and will impact on whether to retain Lathbury Barracks as the preferred site.
1225

Hon. P R Caruana: Mr Speaker, can the Hon. the Chief Minister say whether the Gibraltar Electricity Authority advised him against the building of the intended power station, with that technology?

1230 **Hon. Chief Minister:** Mr Speaker, I have met with representatives of the Gibraltar Electricity Authority, with the Government's Chief Technical Officer and with others who were involved in the decision-making process, and I can confirm to him that the decision of the Government – as a result of everything that we were told by *all* relevant parties, *including* the Gibraltar Electricity Authority representatives that we have spoken to – the decision of the Government has been not to proceed at *this stage*, with the proposal for a power station at Lathbury.

1235 I think it is clear in my answer that the possibility of a power station at Lathbury is still very much on the cards, as much as are other potential opportunities, not all of which were envisaged at the time that the hon. Gentlemen was involved in the commissioning of a report that looked at different sites because, of course, technology has changed in the interim.

1240 **Hon. P R Caruana:** Mr Speaker, my question is somewhat different to that.

I understand that the hon. Member can take advice from a number of different officials, from a number of different places, as the ones he has listed, and then the Government, taking into consideration everything that it has said, makes its decision, which does not take us very much further into discovering whether a particular official gave particular advice.

1245 The question that I am not even asking for, in relation to a particular official... I am just asking the hon. Member whether, regardless of whether they accepted it or not, it was the position of the Gibraltar Electricity

Authority – that is to say, the *advice* of the Electricity Authority – that the Government should not proceed, for whatever reason, be it for changing technology or cost or whatever, with *diesel powered* engines.

1250 **Hon. Chief Minister:** Mr Speaker, the advice was not taken on that basis, namely –

Hon. P R Caruana: No, I am asking whether it was *given*, not whether it was taken.

1255 **Hon. Chief Minister:** Well, it could not have been given, because it was not asked for on that basis – in other words, we did not go around the table saying, ‘You, the Electricity Authority or representatives thereof: do you say yea to diesel power at Lathbury?’

1260 That was neither put in respect of diesel power or Lathbury in that way, but I can tell the hon. Gentleman that the advice in respect... without disclosing what advice was given by each individual, because I am not going to be drawn across the floor of the House into disclosing what the Chief Technical Officer told me, what the Financial Secretary told me, and what the Gibraltar Electricity Authority told me, when we were having this discussion, because that would, in effect, be to give the hon. Gentleman the transcript of those discussions; but I am prepared to give him the upshot of them. The Gibraltar Electricity Authority neither advised the Government not to proceed, nor did they advise the Government to proceed with *that* technology in *that* place.

1265 **Hon. J J Netto:** Mr Speaker, perhaps if I could ask a supplementary question.

1270 Can the Chief Minister say whether the Government in any form, whether in the form of the Chief Minister, the Ministers or officials, has been in discussion or negotiations with the owners of OESCO for the purpose of them actually providing a new power station?

Hon. Chief Minister: No, Mr Speaker, we have not been in discussion with the owners of OESCO for them to provide the new power station.

1275 **Hon. P R Caruana:** Mr Speaker, can the hon. Member, then, say to me whether... I do not mind saying to him that I am probing, in relation to the content of his press release – of the Government’s press release of 21st March, if he has it in front of him.

Will the hon. Member say whether the Government would *consider* a technology for generation of electricity that involves gas?

1280 **Hon. Chief Minister:** Mr Speaker, there is a possibility that that is one of the issues that could be brought for serious discussion, but it has not yet been presented to us in a way that merits any serious discussion, not least because there would be the issue of where the gas comes from.

1285 The discussion that we have had has gone far enough for us to be able to ascertain that gas you either bring in liquid form – and in order to turn that gas from liquid form to gaseous form, again, you need to have very small plants of re-gasification, because larger plants need to be very far away from populated areas – or you need to bring the gas from the north – put it that way, which is the only viable way in which you can bring it from the north – in effect, from Spain. Then you would have the issue which we have always had, and all of us will always have, about whether we would want to rely on supply for something as essential as the generation of electricity from Spain.

1290 In that mix, Mr Speaker, you can put the fact that today Gibraltar gets, I would say, all of its diesel from across the frontier; but we could at any time if we needed to bring it in by ship. And so, Mr Speaker, before it is possible to consider carefully whether gas is something that can be considered as an alternative source of fuel for the engines that might make up a new power station, one needs to deal with all of those issues very carefully, and you cannot have a serious discussion until you know what all of those permutations are.

1295 **Hon. P R Caruana:** Mr Speaker, the reason why I ask the hon. Member this is because the sense that I got when I read this statement is that the hon. Members must have thought that we woke up one morning, when we were on that side of the House, and we said, ‘Ah, let’s build a diesel powered generating station at Lathbury Barracks’ – assuming that all of these things that they now offer as reasons for stopping and pausing...

1300 Of course, they are entitled to stop and pause, if they were on time to do so, to stop and pause and decide

1305 on whether they want to proceed or not proceed. He knows that I believe that a new power station is necessary; but he could take a different view. But on reading the statement, it suggests an assumption that all of these issues were not properly considered a part of the decision that led to the one that he subsequently put a hold on for these and other reasons.

1310 Now, Mr Speaker, will he agree with me – which is one of the reasons that *we* had on our list, for discounting gas, as well as some of the ones that he has mentioned – the fact that Gibraltar is a small place, without many open spaces that are not close to residential areas, and even if that were not so, by our configuration, transportation would have to be through such areas, and that the transportation of gas, even in its liquid form and then its re-gasification, are not the most risk-free of scientific processes, and that there are, in addition to the factors that he has mentioned, *safety* considerations to take into account as to whether gas is a medium of energy that can safely be handled in a small place like Gibraltar, not just with confined space, but with very little zoning and de-conflicting of possible conflicting activities?

1315 **Hon. Chief Minister:** Mr Speaker, I can agree with him that that is an issue that needs to be determined before you can be serious about gas – absolutely right – and it is one of the issues that, if you were going to go for gas, might make Lathbury Barracks the wrong place for gas, because to get to Lathbury Barracks, you have got to go through the town, unless you were to somehow have a mechanism for ships to be able to disgorge their liquid gas nearer to Lathbury Barracks, which I do not think is viable. So Mr Speaker, that *is* very much an issue.

1320 But there are other permutations. The hon. Gentleman will know what energy prices are like in other places, because of the price of the fossil fuels used predominantly for that purpose. He started, Mr Speaker, by talking about diesel power, and the advice that he will have got, I am sure, which is the advice that we have got and have seen – because I think the PB Power Report, as it is referred to is the one that he had available and I think contains this remark – is that diesel, still even today, is the fuel of choice for generating sets for island economies – Gibraltar is not an island, but it is an island economy in many respects. So there are many permutations, therefore, that need to be taken into consideration, if you are going to take Gibraltar out of that equation.

1330 But, Mr Speaker, at the end of the day, I am not saying that, with the information available to him two years ago, the hon. Gentleman got it wrong, because the decision was taken about two years ago and there was much of the financing discussion going on thereafter. But there is a lot that has happened in the two years, affecting technology that might be able to affect the decision-making process.

1335 There are, for example, Mr Speaker, issues relating to the type of engines that you might acquire. So, say, for example, that we were to acquire, or we were to build a power station at Lathbury with eight sets, potentially going to 12 – which was the plan that he had envisaged. In the plan that we found was the subject of the agreements when we were elected, the eight sets and the potential expansion was for four more sets of those caterpillar engines that burnt diesel. Now, the hon. Gentleman will know that there are dual fire engines and that technology has come on a very long way in the past two years, and that those can go from burning diesel to burning gas in a... literally in a flash – in a micro-second – so the fuel that is injected into the set can one moment be diesel and the next moment be gas. The difference in price between a set that only burns gas or only burns diesel and one that burns both of them on a dual fire basis is not so great, and there are other sets that burn gas and burn diesel, but they have to be adapted to go from one to another. The process of adapting them can take months – in other words, it is not, you change the fuel; it is actually you have to almost re-engineer the engine, but it is provided for in the design.

1345 Those things are also relevant because the price of diesel is only going in one direction; the price of gas, although it is going up, is more stable than the price of diesel, and those things are also in the mix.

1350 I do not know, Mr Speaker, if that is an issue that *he* considered, and he may say to me, ‘We may have looked at it, but getting gas up there anyway would be so complicated that it was not worth doing.’ There may be an argument that getting gas up there in 20 years’ time may be easier and may be economically more viable and not involve such risk, and that therefore why commit yourself to the eight engines only burning diesel or requiring retrofits in order to burn gas?

Issues like that are also necessarily on the table. I am concentrating on gas because the hon. Gentleman has raised that particular point.

1355 There are many other issues on the table, and I will agree with him, if he wants to put the points to me, that one could spend the next four years making this determination. It is like buying a TV set or a video – when do you buy them? Technology is going to be better next week, and if you read up on what it is you are

buying, you are going to find out that the Japanese are about to bring something out that may be new.

1360 So a decision has to be taken. We are fully alive to the need to reach the determination that we have to reach as soon as possible, in order to go ahead with ensuring the continuity and the security of supply, looking at both the fuel and the generating style.

1365 **Hon. P R Caruana:** Mr Speaker, I am not 100% certain, but is the hon. Member aware – I think the answer is yes – that the PB Power Report, indeed, considers and considered, and I think we did consider, the question of dual switchable fuel burning engines? I cannot remember what the reason was, but I think there is some reason given in the report, why it is not recommended. I cannot remember what it was, nor am I particularly sure, in respect of this part of the debate, so I will not press it.

1370 The next issue, Mr Speaker, is this: is the hon. Member aware – I do not say it for any reason other than to make him aware, if he is not – that the previous administration was, indeed, contrary to what it says in one of the paragraphs of this press release, was indeed planning by way of complying with the European Union Directive, which so requires, to establish renewable source energy production in Gibraltar, in addition to the power station, and that there are reports in existence to that effect, which if he has not seen, I think he ought to ask for and see, lest he should start again in respect of some of the considerations.

1375 But we have been through... I have seen reports – I cannot remember if they were internal Government reports or whether they were prepared for the Government by some external agency – consideration of wind power, wind turbines, tidal, wave, underwater current, and all these things, as a result of which we have concluded that wind turbines, given the state of technology at the moment, and its ability to be put to commercial use, given its degree of development, the only effective technology available, suitable for Gibraltar, was wind turbines, which raised lots of considerations about the location. The optimum locations were objectionable, not least to the previous chairman of GONHS, on the basis that it could interfere with bird migration.

1380 I am not raising that, simply to ask the hon. Member whether he is aware that a lot of this work has been done and must sit somewhere in the bowels, and he may be interested in asking for it.

1385 My final supplementary, Mr Speaker, is this: I note that the hon. Members have said publicly – which we welcome – that the distribution network is going on, the re-cabbling. I do not know whether he meant by that the laying of fibre-optic main ring around Gibraltar – but he then goes on to say that this is not going to be done by an external contractor as part of this contract, but rather internally –

Hon. Chief Minister: Will the hon. Member give way?

1390 **Hon. P R Caruana:** Yes.

Hon. Chief Minister: He said fibre-optic.

1395 **Hon. P R Caruana:** No, not fibre-optic; what is the word? Oh there is a word like that... Some new form of cabling, some new – I am just forgetting now the jargon that describes it.

Hon. Chief Minister: Whatever was planned.

1400 **Hon. P R Caruana:** Yes, whatever was planned, which was a significant project.

1405 Now, if the work can be done locally, fine. But I never received the advice that he says that he has received, that it could be done locally. If it can, nevertheless – notwithstanding that I never got that advice – if it is nevertheless so, is he satisfied that it can be done with the resources that the GEA have currently internally, without significantly disrupting their ability to do what they normally do, for which they always said to me they were already short-handed?

That is the question.

Hon. Chief Minister: Let me try and take those in turn.

1410 I do not recall any part of the PB Power Report that reached a conclusion about the dual fire engines, which put me on notice of anything that I should be cautious about, but I will check it again to make sure that that is not the case. It may be that we do not go for fuel dual fire engines, because there may be a reason not to do that –

Hon. P R Caruana: Dual, not fuel – dual.

1415 **Hon. Chief Minister:** Dual fire, that is what I am saying.

Hon. P R Caruana: *Dual fuel.*

1420 **Hon. Chief Minister:** Well, I think they are called dual fire, because they fire one fuel, then the other, but whatever it is, it just seemed to us, when we were looking at this – and we do not seem to have come across the hurdle that he suggests is there – that dual fire at least left certain options open, even if those options might be on the second-hand resale market if we ever came to sell sets, if our economics changed.

Whatever it is, it seemed to us that the difference in price might make that an issue worth investigating in some way.

1425 Mr Speaker, I will tell him that in terms of renewable sources of energy production, we have not come across anything, we have not been provided with any reports that suggests that the hon. Members were doing anything that would put us on the doorstep of starting to produce renewable energy in Gibraltar. I recognise from what he has said, the presentation that was made by the Institute of Engineers at the Mackintosh Hall, some time I think in the beginning of 2011 or earlier, that suggested that their view was that wind was the only possible source of renewable energy based on the technology as it was and that, even then, the best
1430 location for it would be slightly offshore on the south of Gibraltar.

But Mr Speaker, we believe that there is now potential for that to have changed, but I am happy to say that I do not think that Government needs to be an *investor* in renewable energy. I do not think that is the way that our considerations are going. I do not think it is where they were going. In other words, not the Government
1435 *owning* an emerging technology because, apart from wind, they all appear to be emerging to an extent, or solar in terms of heating water for boilers.

Everything else seems to be ‘emerging’. We are not looking at investing in those sorts of generating sets, but it may be that there is some way, nonetheless, to bring in renewable sources of energy, depending on how the advice that we are seeking goes.

1440 Mr Speaker, finally, in respect of the distribution network, the advice that we have got is that it is possible to do all or most of the work locally. That is not to say that the GEA itself will be doing the work *itself* on all occasions – it may have to go out to tender for other entities in Gibraltar to do parts of the works which, frankly to us, makes more sense than doing it as part of the wider contract now that we are not proceeding with the creation of the generating capacity up at Lathbury under that agreement. Because, of course, we could have said to the proposed joint venturer, ‘Don’t build us the power station, but build us the distribution
1445 grid.’ Under the European procurement process, as we understand it, that would have been a substantial change to the contract and would have required a new European procurement process; whilst if we do it in-house, and the GEA feel that they can, by doing parts themselves, and locally tendering for parts of the work where they need additional assistance, then the work will be at least progressing, whilst the other important aspect – and I think we will agree that they are both equally important – which is the generating capacity, is
1450 finalised.

Hon. P R Caruana: Mr Speaker, can the hon. Member say whether they are giving any degree of consideration to the importation of electricity?

1455 **Hon. Chief Minister:** Mr Speaker, I do not recognise anything in the discussions that we have had in seriousness which suggests that we might be prepared to hock Gibraltar’s need for electricity to our neighbours to the north, who could not be relied on (*Interjection by Hon. P R Caruana*) to give us oxygen when we needed it, in the 1960s and 1970s.

1460 Is there a possibility of bringing in from the south? Well, Mr Speaker, all I will say is this: in relation to telephones, we do have a lot of resilience; in relation to electricity, we have never had resilience. But my view is that we must *not ever* import electricity and that we must create our own electricity – even if we have renewable sources which plug into the grid, etc. We must be self-sustaining, in terms of the production of electricity and that must always be the case.

1465 Should we, as we develop as a financial services centre, as we develop as an e-gaming hub, etc, have the capacity, in a doomsday, *Perfect Storm*-style scenario, to have resilience into our grid? Well, that is an issue that perhaps we do need to look at, but not at the expense of not having, and operating, a free-standing

independent generation of electricity capacity that is the main and daily source of our electricity.

1470 **Hon. P R Caruana:** The reason why I ask, Mr Speaker, is that I am constantly receiving reports which I just put to the hon. Member to confirm or to reject that there are parties, that if these are no more than rumours, the rumour has got to the point of putting a name to the particular parties, who are out to 'the south', as he likes to call it – I would rather call them 'Spain' and 'Morocco'; there is nothing wrong with mentioning the name of the country!

1475 There are people... there are particular corporate interests in Gibraltar, who are *actively*, supposedly as your agents, as the agents of the Gibraltar Government, exploring these possibilities in Morocco currently. I am not saying today; I am saying currently, these days, these weeks, at this general point in time.

My first supplementary on the subject was just designed to establish whether *that* is true – whether it is by way of resilience or... Certainly, I would agree with him that it would be folly to do it by way of *only* or even *principal* supply.

1480 But regardless of whether it is by [*inaudible*], therefore without necessarily suggesting that there is anything wrong with it – certainly if it is only by way of resilience, subject to cost, it may be a very good thing – but is it happening?

1485 **Hon. Chief Minister:** Mr Speaker, it is true that the Government has been approached by some who have suggested, 'What about this, would you be interested?' The Government's attitude has been, 'Look, if you brought to the Government, without any capital expenditure on the part of the Government, the possibility of buying electricity for resilience purposes – if you were in, literally, Coaling Island, for example, to suggest a landing point – with a cable, and you were ready there to connect into the Government's grid, into the Gibraltar Electricity Authority grid – for resilience purposes that is something that we would consider and look at.

1490 Unfortunately, it appears to me that the economics of doing that, for the purposes of resilience, really do not work and therefore it is something which, like everything else, is worth it. If there are people who are prepared to consider this and to put to the Government a proposal, the Government will consider it and consider it carefully because, for the Government, the resilience value of that sort of operation may be worth exploring very carefully – but only in a resilience capacity.

1500 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Member has, I think, almost entirely answered the question, and that is that, throwing a cable for the importation of electricity into Gibraltar from Morocco is itself an expensive capital investment. No-one is going to make it, except against a guaranteed income stream, which means that it would not be resilience; you would have to commit to purchase a proportion – at least a proportion; how much would depend on the size of the investment – of our current electricity demand, from them. That would not be for resilience; that would be instead of the present domestic production of it.

1505 Mr Speaker, I do not say that subject to proper safeguards, that cannot be done, but it would be something pretty controversial, that would have to be very carefully considered.

Tunnel under the runway Decision whether to proceed

1510 **Clerk:** Question 475, the Hon. P R Caruana.

1515 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say *when* the Government envisages that it will be in a position to decide whether it will proceed with the tunnel under the runway?

Clerk: Answer, the Hon. the Chief Minister.

1520 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as I indicated would be the case in my answer to Question 223 of 2012, the Government has now instructed that tender documents be prepared for the undertaking of the outstanding works for the road and tunnel project.

This new EU tender will be on the basis of an employer design, as opposed to the previous design and

build contract. We have taken advice on why that should be the case.

The tender process will comprise various stages, with the programme date for the completion of the tender evaluation being March 2013. Works would commence thereafter.

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Hon. P R Caruana: Mr Speaker, if I have understood his answer, he is suggesting that works definitely will *not* commence until March 2013, and I do not think the answer means necessarily that it will commence in March 2013. There are mobilisation periods, and all that sort of thing. As I recall, it is a two-year job. I do not know whether the works that have already been done shorten that period, by the works that have already been done but, by that reckoning, we will not have a tunnel under the runway until sometime in or after 2015.

1530

Is the hon. Member satisfied that that is quickly enough? He knows that we think it is not. He knows that we believe that we should proceed by the quickest means now to resume works, and therefore my supplementary is this: is he satisfied that that is the quickest lawful means of getting this project underway or does it reflect a form of procurement, a timetable, which may reflect the Government's lack of priority for a project, or may reflect the Government's funding priorities for other projects, or may reflect something other than it being the quickest that can be lawfully achieved?

1535

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that there is litigation in respect of this, and I acknowledge this morning his offer of assistance. I had actually, before I heard that he was making public that offer, written to him, providing with him with a copy of the pleading, so that he could, if he observed anything in there which he felt it was worth commenting on –

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Hon. P R Caruana: The letter came afterwards –

1545

Hon. Chief Minister: There you are, you see!

I was working although I was away on paternity leave, so maybe there was some delay, but in any event, I acknowledge that he has offered his assistance. I have sent him, at the same time or just before or just after, the relevant papers, so that he can see from the pleading what the issues alleged against the Government are.

1550

He will know that there are many files in his office which I have had to review also, dealing with the issue here, and he will know that design was one of the issues that might be relevant in any litigation.

So if he will take it from me that this actually reflects what we are being advised is the adequate way to proceed, both in terms of completion of the civil engineering works and the litigation, then I am quite happy to talk to him, behind the Speaker's Chair, in more detail, as to what we think the issues are.

1555

Look, it may be that we have had disputes as to how, when *he* was in Government, this issue was being handled, etc, of course, and we may have those issues in the future in respect of the way that my Government is handling this issue going forward. But he should rest assured that, subject to cost, etc, we have always said, one can but agree that a longer route that goes under a runway is better than a shorter route, given the traffic problems that go over a runway. So on that there is unanimity.

1560

Mr Speaker, would they be able to deliver this tunnel more quickly if they had been re-elected on 9th December? It may be that they would not have been able to, for reasons that perhaps he was not made aware of at the time and which have come out subsequently in the correspondence and in the analysis that has been done.

1565

The site is not an active site at the moment. Some works are being required and some works will be required, but they will not be works which are involving the digging of the tunnel – again, for reasons that we can discuss outside of this public place.

1570

**Purchase of boats for RGP
Proceeding with previous Government plan**

Clerk: Question 476, the Hon. P R Caruana.

1575

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to proceed with the previous Government's plan to purchase bigger boats for the RGP?

Clerk: Answer, the Hon. the Chief Minister.

1580 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, since our election, we have agreed the purchase by the RGP of two new and additional vessels at a cost of \$789,000 or just over £½ million. These vessels should be available in Gibraltar in the next 40 days or so.

These are two fast interceptor launches – and I say that because the hon. Gentleman may recognise that description from something that was put to him just before the date of the last Election.

1585 The hon. Gentleman will know that, in his Budget reply of 2009, he said that his Government, as it then was, was:

‘certainly intending to upgrade our investment to make much more senior our assets’

1590 – as he described them – to uphold jurisdiction over our waters.

Mr Speaker, for *Hansard* geeks, that is at page 159 of the Budget *Hansard* for 2009.

But, Mr Speaker, that position did not materialise in the remaining two and a half years of the hon. Gentleman’s last Government.

1595 **Hon. P R Caruana:** Given that they were very critical of the fact that they did not materialise quickly enough for their liking, now that they are in position to *accelerate* its materialisation, do they intend to do so?

1600 **Hon. Chief Minister:** Mr Speaker, since our election, we have agreed the purchase by the RGP (*Laughter*) of two new and additional vessels at a total cost of (*Laughter and interjections*) \$789,000 or just over £½ million. (*Laughter*)

Hon. P R Caruana: The hon. Member knows full well that *those*, which are the boats that *we* agreed that the RGP *could* buy before the Election, are *not* the bigger boats to which...

No, Mr Speaker, he knows very well that when they were asking...

1605 When he quotes that passage from *Hansard*, from the Budget debate in 2009, (*Laughter*) and the subsequent two years worth of taunting that the Hon. now Deputy Chief Minister put it to, for the next two years – in the context of incidents at sea – by the way, I am not saying I recommend this course of action. But the hon. Members used the matter in the context of ‘our poor policemen are being humiliated by the Spanish Guardia Civil because they haven’t got bigger boats. You promised to buy them bigger boats, you have dragged your heels, you have not bought them and therefore our RGP policemen continue to be humiliated at sea!’

1610 Now, I never agreed with that analysis, because I was certainly not buying bigger boats so that the RGP could conduct naval warfare against Spain. If naval warfare needs to be conducted against Spain, it is the task of the Royal Navy and Her Majesty’s Government and the United Kingdom, whose duty it is to uphold the sovereignty of those waters, not the RGP’s. The RGP’s responsibility is to uphold the law within those waters, and I do not want to pre-empt a debate we may have arising from a question about the fishing agreement in that respect.

1615 But the hon. Members nevertheless thought differently. I used to think in that way then and I continue to think in the same way now from these Opposition benches.

1620 But the hon. Members taunted the previous Government with the link between the lack of bigger boats and the RGP’s ability to stand up to the *turbo* and all these other large boats, and now that they are in Government, either they have to acknowledge that they were just being mischievous in an Opposition sense, or that they are going to be true to their analysis and public statements and arm the RGP with bigger boats, thus avoiding their humiliation by the Guardia Civil, which appears to me to continue.

1625 **Hon. Chief Minister:** Well, Mr Speaker, in fact, I can tell him that the ‘taunting’ in Opposition press releases, as he puts it, only ever used his words. We never used any words other than his own. (*Interjection by Hon. P R Caruana*)

His words were in the Budget of 2009, very much what he is saying now:

1630 ‘The upholding and defence of the sovereignty of Gibraltar’s waters is the constitutional responsibility which they insisted on preserving for themselves in the new Constitution, of the United Kingdom Government. *I* do not have a Navy and *I* do not have a diplomatic service’ –

– l'État est moi –

1635 'However, the Government of Gibraltar certainly has jurisdictional competences for official acts in Gibraltar waters, and that we are certainly intending to upgrade our investments to make such more senior our assets to uphold them.'

1640 So he used that context (*Interjection by Hon. P R Caruana*) so his analysis, his statement of the bigger boats, the 'senior assets' (**Hon. P R Caruana:** Yes.) was in that context (**Hon. P R Caruana:** Yes.) and it is (*Interjection by Hon. P R Caruana*) in that context that all of the Opposition (*Interjection by Hon. P R Caruana*) press releases raised the issue.

I accept, of course, Mr Speaker –

1645 **Hon. P R Caruana:** I concede all of that.

Hon. Chief Minister: – that in a press release of 3rd May 2011, the hon. Gentleman, on behalf of the Government then, said... well, a Convent Place spokesperson; I assume it was the hon. Gentleman:

1650 'The incident also vindicates the Gibraltar Government's position that, since upholding British sovereignty is a UK/MoD responsibility, it is completely inappropriate to call for GOG to itself obtain bigger boats to place our police officers, Customs officers and port department officers in the front line of physical confrontation with armed Spanish Navy and Guardia Civil Boats.'

1655 So, Mr Speaker, in 2009, when he talked about obtaining more 'senior assets' for the RGP, he must have meant obtaining more senior assets for the police to confront those who are committing offences in our waters or confronting (*Interjection by Hon. P R Caruana*) other law enforcement agencies, but not the Spanish Navy. Right.

1660 Therefore, Mr Speaker, since our election, we have agreed the purchase by the RGP of two new and additional vessels at a total cost of \$789,000 or just over £½ million because those, Mr Speaker, we believe, from the information we have been provided by the RGP, are bigger boats of the sort necessary for the RGP to do the work that they need to do, which is exactly what, from Opposition, the Deputy Chief Minister, who I am happy to disclose publicly was always the author and architect of these statements, having been the person who elicited this statement from the hon. Gentleman in 2009 in the Budget, quoted in our press statements, and therefore we believe we are in the process already of delivering.

1665 **Hon. P R Caruana:** No, Mr. Speaker, he is *not* in the process of delivering. What *we* would have done by way of investment in larger boats, for the purposes set out in...

He knows, because he has found the brochures on my desk, when it became *his* desk (*Interjection*) Well, he knows, somebody... There has been an allusion in a Government statement – I do not know if it was by the Deputy – *somebody* has made an allusion to seeing the brochures for the boats.

1670 Mr Speaker – yes, Mr Speaker, yes, I will point it out to him on that later.

1675 Mr Speaker, the Government's... *My* view of the share-out of responsibilities and therefore of functions between the RGP on the one hand and the United Kingdom Government on the other are exactly as I set out in that Budget, in that *Hansard* that he has read, has remained so since, and continues to be the case now. It was in the context of my explaining the difference between sovereignty responsibilities and policing responsibilities that the hon. Members continued to press me to buy the bigger boats for the RGP's constitutional responsibility, not for the ones that I will say was *not* their responsibility, but the Navy's, and, frankly, simply to buy them – ribs, which are newer and faster and a few feet longer – is not what we were planning to do. We were planning to buy genuine coastguard-type vessels, in which policemen could assert their presence and, through their presence, deter much of the sort of petty interference with our jurisdiction that the absence of a more senior boat prevents them from doing safely.

1680 Certainly, we allowed them, we authorised them, to buy the speedboats, particularly after one of them was rammed and was damaged, shortly before the Elections, but that was not the investment in bigger boats that we had been alluding to and to which this question alludes. That was *in addition to* the two boats that they have, in fact, bought now.

1685 **Hon. Chief Minister:** Mr Speaker, I think we have been thrown, then, in the question, by the reference to the RGP, because I certainly do not recognise this business of brochures for boats in respect of the RGP. I recognise the request from the RGP for these fast launches, received with him, I think, verbally agreed with

1690 him in a meeting, subsequently also agreed with me and the written procurement process undertaken after we were elected.

But he now steers us in the way of 'coastguard' and that may be referring us to something else, and there is a question on the order paper about the Borders and Coastguard Agency. He has told us about buying a coastguard-style vessel for police officers to do some of their roles. I never got any indication that there was that potential acquisition on the horizon for police officers.

1695 I know that he had put it there for, potentially, the new agency to be doing that job and we will come to that in a minute, Mr Speaker. But he is not going to find us wanting, in terms of investing to ensure the safety of our RGP officers, especially if they have to face operations at sea which are increasingly (*Interjection by Hon. P R Caruana*) dangerous, either from the point of view of those who might use our waters for nefarious, illegal drug trafficking or other trafficking activities or because our RGP officers find themselves having to confront officers of another state, not necessarily state actors i.e. navy people, but paramilitaries because, unfortunately, other states do not organise themselves in exactly parallel terms to ours, and if they need more senior assets in that respect, then they will certainly be knocking on an open door, if they seek those.

1700 But in respect of the RGP's policing obligations, we have agreed to this; they are coming soon, and I think it is not just replacing the one that was damaged, because actually there is another one and they are bigger than the ones that were already here and they are faster than the ones that – (*Interjection by Hon. P R Caruana*) Those two –

1705 **Hon. P R Caruana:** We had authorised two.

1710 **Hon. Chief Minister:** – had been authorised, but the process had not progressed. We were therefore asked, when we were elected, whether we would authorise them. We authorised them. We quickly undertook the process of the procurement and I think they are not yet here because of some problem with freighting; no other reason.

1715

New Air Terminal Operating revenue and expenditure

1720 **Clerk:** Question 477, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, will the Chief Minister provide a breakdown of the annualised operating revenue and expenditure that it envisages for the new Air Terminal once it is open for both arrivals and departures, and the existing Air Terminal closed?

1725

Clerk: Answer, the Hon. the Chief Minister.

1730 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, due to commercial sensitivities and ongoing negotiations with airlines and equipment maintenance providers, a detailed breakdown of the operating revenue and expenditure of the new Air Terminal is not available.

However, Head 44 of the Draft Government of Gibraltar Estimates for 2012-13, which hon. Members will have seen, but which remain confidential until the debate on the Second Reading of the Appropriation Bill, set out the contribution of the Government of Gibraltar to the Gibraltar Air Terminal Ltd, as it is envisaged it will be in this current financial year.

1735

Can I simply point out to the hon. Gentleman, he has asked *me* specifically about this, but it is the Hon. Deputy Chief Minister's responsibility. The airport is the Hon. Deputy Chief Minister's responsibility, but I am happy –

1740 **Hon. P R Caruana:** I was doing my part as questioning the Chief Minister, being the Leader of the Opposition.

Hon. Chief Minister: Well, I am flattered, Mr Speaker.
I am grateful, but (*Interjection by Hon. P R Caruana*) ministerial responsibility is with my –

1745 **Hon P R Caruana:** You were surprisingly elected to the office and I must respect that. (*Laughter*)

Hon. Chief Minister: Well, Mr Speaker, you were remarkably elected for 16 years and we all accepted that, so...

1750 But I make the point that it is the Deputy Chief Minister who carries ministerial responsibility for the Air Terminal.

1755 **Hon. P R Caruana:** Nevertheless, would the Chief Minister say whether his answer means that there is not yet in existence a financial business case model for the operation of the new Air Terminal? So all these statements that are put out about the cost, the operating costs being excessive, are not the result of their comparison against the revenues, because if you have got the revenues and you have got the expenses, then you must necessarily have a business model, simply by putting them together in one document.

1760 **Hon. Chief Minister:** Well, Mr Speaker, if you decide to build it, you must have the business case, I assume, *before* you start building it; but the one that he appears to have had – unless he did not have one, when he made the decision to build this €80 million – I am not going to call it ‘monstrosity’, because we are getting on again, so I do not want to go there – this €80 million airport is not available to me or to the Hon. the Deputy Chief Minister, and the situation we find ourselves in at the moment is that there are a *lot of issues indeed* about the costs that will be involved in the running of the new Terminal. We have seen quite astronomical figures and we are working very hard to deal with those, in order to bring them down to some sort of manageable level.

1765 In terms of the revenue – and the hon. Gentleman will know what those streams are – they do not appear to us, on the fairest day, to come anywhere near meeting the cost of operating the Terminal. I am only saying that, because he said that you have to have the income and expenditure in front of you in any meaningful business plan. At the moment, Mr Speaker, what we are looking at is how to keep the expenditure down, and it may be, Mr Speaker, that in post-Election mode, even if he had been returned to office, he might have been doing the same thing.

1770 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Member must not think that I am agreeing with him to the extent that expenditure has got to balance revenue. Anybody who thinks, including the new Deputy Chief Minister, that a community of 30,000 people with four or five flights a day at this stage can operate *any* air terminal, even the old one, at a profit or even revenue-neutral, is living in cloud-cuckoo-land. There is always going to be an element of governmental subsidy for the operation of *any* airport in this community.

1775 And I have to say, Mr Speaker, I do not want to go in a line by line question, supplementaries on the hon. Member’s press release of 25th April, but I want him to understand that the steps that the Government is now attributing to itself by way of cost reduction is exactly the process that we set up – in other words, getting the contractors that had installed the lift, the escalators, that had installed all the plant and equipment, that had installed the handling, that had installed the computer systems, to get *them* to manage, to operate and maintain – certainly to operate the maintenance of them – during a period – I think the discussions taking place envisage 12 to 18 months – not just because they were best equipped, but because there had to be a learning curve period for local people. So this is not something that the hon. Members intelligently decide to do to rescue the situation from what it was before; that is precisely what all their contracts already required them to do and was already the case.

1780 Of course, the operating cost of the new Air Terminal was always envisaged to be higher than the cost of the new Terminal. That is an investment. The hon. Members may say that they would not have made it. We say it is a perfectly affordable *increased* investment in having a higher quality Air Terminal in Gibraltar, which could be used by those of his Ministers whose business it is to generate increased economic activity, whether it be in financial services, online gaming or tourism, it is a resource that will allow them better to attract to Gibraltar the sort of enhanced quality and quantity of economic activity that Gibraltar’s future prosperity requires. It is a matter of regret to me that, even in disagreeing with the project, the hon. Members cannot acknowledge that, even though it is more expensive to operate than the old one, *obviously*, this is an investment in this community’s future, perhaps one that they would have chosen not to make, or perhaps one that they think was unnecessary to make, or in that quantum to make, or made in reduced amounts but, nevertheless, it is simply to consider the cost of operating a new facility. Without factoring the revenue that that new facility will enjoy, including its capacity for *enhanced* revenue as a result to being able to attract

1800 more services, more business and more passengers is not a meaningful way of evaluating the financial work of the operating costs – I am leaving the capital costs to one side; of the *operating* costs.

I say that, Mr Speaker, and I ask him if he would agree with me that we are just discussing the length of a piece of string, how much the subsidy is going to be, because the Government subsidises the *existing* Air Terminal. So if we subsidise – sorry.

1805 **Hon. Chief Minister:** Mr Speaker, I do not want the hon. Gentleman to think that I said anything before which suggested that I thought that the books should balance. Of course I accept, and I think I accepted earlier when this issue came up in respect of a supplementary which was not a question on the airport that, when we were talking about the commercial agreement with the MoD, I accept that there is going to be an element of subsidy in respect of the operation of the airport – of course, I accept that – but we are an island economy for more than just the generation of electricity and we need to have an airport because of our geopolitical needs. That involves a cost, part of which we defray with the Ministry of Defence in the United Kingdom but, in terms of commercial operations is a matter for our community. The question is, Mr Speaker, where does he pitch it and where do we pitch it? By looking at what revenues there would be and how much thereafter we might be prepared to invest in that.

1815 We have found ourselves with this Airport Terminal. This is the one that we now have to operate. So there is no question of us doing anything to ensure that this airport is not a success.

1820 If this Air Terminal is made a great success by this Government, well, look, that is politics, but we just actually did not... It is not that we would not have built this Terminal and the debate between us has always been size and priority of investment. Was it right to build this Terminal – and here we are talking about the Capex – now, with this size, involving this amount of money or should we have done KGV first etc? Those were the decisions that *he* made when he was Chief Minister and, Mr Speaker, before the Election, this was almost in fruition. We now inherit that and have to run it.

1825 I think, therefore, if the hon. Gentleman is saying to us, after the Election – or rather, after completion; the Election just happened to be there – I envisaged a period of maintenance [*inaudible*] by those who had installed them and, thereafter, the takeover of that maintenance by locally employed individuals, a local agent or part... (*Interjection by Hon. P R Caruana*) Well, exactly, or part of GATL or whatever it was, well so be it, Mr Speaker. That is very much where we are going.

1830 I will tell him, Mr Speaker, because he is saying that this was not their idea; it was already envisaged. I will tell him, Mr Speaker, there has perhaps been the biggest try-on in history by those who have the contracts for the period that the hon. Gentleman suggested they had it, by suggesting that they wanted, obviously, to stay on and that there had been no discussion of training locals etc, etc. So we, Mr Speaker, (*Interjection*) have taken the initiative, in particular through the office of the Deputy Chief Minister, who is comfortably sitting there, whilst I field these questions, (*Laughter*) that these things should be done in the way that we have set out in our press release they should be done – which it appears to me, Mr Speaker, whether we might never ever be able to agree on *everything*, but it really is just a question of degree. We all seem to have been going in the right direction.

1840 **Hon. P R Caruana:** If the hon. Member has been told that the Government was not engaged at that time with the installers of the equipment for them to do the management for a period of time of these, then he has been misinformed.

1845 The scheme that was in place and, indeed, I think the contracts, the original procurement contracts were written *requiring* them to offer that facility if the Government required it and the scheme was – which seems to me precisely the one that they are operating – is use that for a period of... I do not remember if we are talking 12 or 18 months, as it was being done by our agent, to be followed and use that period to set up a Government-owned facilities-management agency, where the Government would bring in all the resources to do the training and, Mr Speaker, the fact that we were talking to individuals about leading the agency and about personnel, that is *exactly* the... Yes, Mr Speaker.

1850 **Hon. Chief Minister:** Mr Speaker, apart from the fact that the contracts were for a period, that is for sure – a 12-month or 18-month period – but most contracts are for a period and therefore the fact that the contract is for a period does not necessarily disclose what is behind it, because somebody may want to do a contract for a year and simply keep renewing it every year and most, for example, lift maintenance contracts are all, wherever they are, for a year.

1855 I can tell him – and I have just had confirmed that my thoughts were correct by the Deputy Chief Minister – that nobody has told *us* that that was what was being envisaged by the previous administration, the creation of the agency, the people who you were talking to, and we would be delighted to receive the information, because if wheels have already been set up, reinventing them is not necessary.

1860 If I may allow myself this point of discord, Mr Speaker, perhaps it is because this was not being dealt with by the usual officials for the Government, that this information has not flowed back to us, because we are now working with chief technical officers, etc, in developing this thinking and you would have thought that, in everything else where they have thought that there are things we should have known, they have told us, which is the normal way.

1865 **Hon. P R Caruana:** Mr Speaker, but precisely the officials that he has mentioned were well aware of the discussions that the Government was having for the establishment of a facilities-management agency. We were in discussion with a particular ‘seniorish’ senior technical official – I think he is currently in the GHA – who was contemplating leading that. That actually failed in the end.

1870 That failed in the end, but this was the subject of discussions with the unions about whether we would include the garage or not the garage, whether other people would go... No, no, not the garage agency. How many people would be included in the facilities-management agency?

1875 I am not saying that the project came to fruition. It did not come to fruition because it was work in progress when the Election was called. All I am saying is that there are lots of people accessible to him today, whether on the union side or within the Government, who are aware that the scheme was to establish a local, Government-owned, facilities-management agency and that people were being spoken to... Yes.

Hon. Chief Minister: Mr Speaker, may I just ask him for a personal clarification?
For the management of the airport or more generally?

1880 **Hon. P R Caruana:** No, for the *facilities* management of the airport and other facilities that the Government has invested in.

Mr Speaker, the policy position that the Government took in those days was that, in the olden days, you used to build a building and forget about it and if you did not maintain them, well, they just dilapidated and they would eventually give them a lick of paint.

1885 A lot of new buildings now have large amounts of plant, equipment and building assistance that require maintenance. The Leisure Centre, the new Court Precincts, the new Air Terminal and the new Prison: all of these are modern buildings with a huge amount of plant, machinery and operating systems that you cannot treat like you used to treat the old buildings that Government historically...

1890 So the Government said, our policy was – and I had *assumed* that he might have been exposed to this thinking by now by officials and others – that the way to deal with this was to establish a *central* Government agency that would deal with the facilities management of all of these, which the GHA has for itself already in a particular Department, but which all these others... oh, the new Hospital has already, but which all these other new facilities that we have built did not.

1895 So the Air Terminal in respect of the *facilities* management – not the running of the Airport as a terminal, but the *facilities* management – would have been a customer of the central Government agency in common with all these other facilities. That was the project in hand, otherwise you have got to... If you just do it for the Air Terminal, you have got to say, ‘Well who is going to do it for the Leisure Centre? Who is going to do it for the Prison?’ and you cannot replicate seven or eight, as there are just not enough skills to go around for that in Gibraltar. That was the scheme and I am just surprised...

1900 I had assumed, from reading the press release, that there had been some degree of familiarisation and that the hon. Members were just chalking it up to themselves. I am astonished that no-one has pointed this out to you.

1905 **Hon. Chief Minister:** That is interesting that sometimes we are... interesting and worrying that we might actually think alike (*Laughter*) in some respects.

Hon. P R Caruana: More worrying than interesting! (*Laughter*)

Hon. Chief Minister: More worrying than interesting – absolutely!

1910 Mr Speaker, there is common thinking in that respect and perhaps, to a wider extent, because there are other things that the Government also does, not just manage buildings, which may involve the same expertise as those who manage buildings. So, Mr Speaker, that is an issue that we are looking at, but not because we were trying in this press release to suggest that we had come up with these ideas ourselves, knowing that the hon. Members opposite had done so.

1915 I am surprised, Mr Speaker, because the conventions apply but, in terms of things which are in motion, officers are allowed, and do, and have given advice of where the previous thinking was and why things are at the stage at which they are. It did not, take it from us, happen on this occasion in respect of this. (*Interjection*)

1920 **Hon. P R Caruana:** By way of information to the hon. Member, the official of the GHA in question – I am not sure if he is GHA or seconded G... I think it is GHA – actually wrote a report. There is a written report around this matter and it is true that that particular official eventually decided not to transfer to this initiative and to stay where he was, but he actually wrote a very helpful and informative report about how this central... I recommend to the hon. Member that he picks it up because it is certainly something that needs doing. We cannot just leave...

1925 We cannot just invest tens of millions of pounds in buildings without putting in place a resource for their proper maintenance and management. Not the activities within the buildings, but buildings and the systems in the buildings themselves.

1930 **New Air Terminal
Opening date**

Clerk: Question 478, the Hon. P R Caruana.

1935 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say on what date the new Air Terminal will open for departures?

Clerk: Answer, the Hon. the Chief Minister.

1940 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, notwithstanding that based on information provided to the Minister for Transport by the Employer's Agent and Dragados, the Minister informed the House in the last session that it was hoped to open the new Air Terminal during this month. It has not yet been possible to set a date for the opening of the new Air Terminal for departures.

1945 A number of issues remain to be resolved at the new Air Terminal before it is possible to give an exact date for the opening of the new Air Terminal for departures.

The Government is, however, moving as soon as possible to open the new Air Terminal for departures in order to reduce the cost of operating two terminals at once.

1950 **Hon. P R Caruana:** So should I deduce from that answer, Mr Speaker, that it would be wholly unfair to level at the hon. Members opposite even the suggestion, or the suggestion of the accusation, that they are sitting on their hands and not proceeding as expeditiously as possible with the opening of the Air Terminal for political effect?

1955 **Hon. Chief Minister:** Mr Speaker, quite the opposite. We sincerely believe that the folly was to start operating one without the other and that you are not going to move back now to the old one. You need to move as quickly as possible to the new one and there is absolutely no question of any political actor involved in this side of the House doing anything other than trying to ensure that the new Airport is available and open for departure business as soon as possible. I think that is in the interests of our community. It is the interests of the administration and – he knows that he and I disagree on this issue – I think that the sooner that members of our community start to go down there, they realise how unnecessary this Airport was!

1960 So believe me, no political approach to try and prevent this from opening.

Hon. P R Caruana: Mr Speaker, as to the 'folly' part, would the hon. Member accept from me – a

1965 rhetorical question – that if a Government had emerged victorious from the polls on 8th December that was more enthusiastic about the Terminal, it would have been ready and open by now, and that the hon. Members have not gone very far out of their way to bring about a situation where it would be ready for opening? Because, certainly, the contractor had with us a commitment for a date which has long since passed, and, of course, if contractors are not pushed they take as long as they like because it minimises their costs.

1970 I am telling the hon. Member that if this party, if the Opposition, had been elected into Government, that Terminal would have already been open for at least one month.

The hon. Member suggests a different view and it remains to be seen whether the difference between our two positions on that reflects *absolutely necessary delay* caused by genuine non-completion factors, or whether it reflects the fact that the contractor has simply been allowed to finish at his leisure. The contractors, including the subcontractors for computer installations and all of that have been allowed to finish at their leisure. Our view is the latter. Obviously, I do not expect the hon. Member to agree with me, but our view is that if the Government had more enthusiastically pressed for this Terminal to have been finished, we think it would have been open by now.

1975 Can I just add a supplementary for that? I do not want to get into more trouble today. If it is not going to be ready in May, will the hon. Members then consider inviting the Earl of Wessex to inaugurate the new Terminal and perhaps even naming it the Gibraltar International Jubilee Terminal or something to that effect?

1980 **Hon. Chief Minister:** I will start at the end, Mr Speaker.

The programme for the visit for the Earl and Countess of Wessex has already been settled and, subject to security issues, given that the hon. Gentleman has raised the issue, that is already on their programme and a name which is relevant in some way to what they will be doing here in Gibraltar is being proposed, both in respect of the terminal and the VIP suite. I will tell the hon. Gentleman that I have given specific instructions that, of course, the order of precedence should be followed in every event to which the Earl and Countess are invited but, in particular, that in relation to the Airport, he should be... I am sure that he is one of the invitees because that Airport was not the vision of this Government; it was his vision and he should be there, Mr Speaker. So that much we can agree on.

1990 Now, Mr Speaker, would it have been ready and open for completion if the hon. Members had been returned to Government? Well, look Mr Speaker, I do not know that it would have been, because whatever level of enthusiasm the hon. Gentleman could have brought to the process of completion, by which I will translate, if you will allow me to paraphrase without the excitement that we had earlier when we were paraphrasing, namely whatever level of whipping of the contractor to finish sooner might have been the case or continued to be the case after the 9th of December, if he had been returned to office, which might not have been the case when we were returned to office, there are issues in the building. He may not be aware of some of those issues. There are issues on the roof, there are *serious* snagging issues which have been truly concerning to those of us who are receiving these reports, and there are changes proposed in respect of some of the areas of the building which may be relevant, but I do not think will delay opening for business. Those things have to be dealt with, Mr Speaker.

1995 Look, the hon. Gentleman knows that I thought that he was *excessively* enthusiastic about the way that he drove the project. The original suggestion in the placard was that this would be 'landing for business' in 2011, and unfortunately so many projects go overdue, even ones driven as enthusiastically as he drove –
2000 *(Interjection by Hon. P R Caruana)* Just for arrivals business –

Hon. P R Caruana: Well, for landing – arrivals is landing. *(Laughter)*

2010 **Hon. Chief Minister:** *Arriving* for business this year, *(Interjection by Hon. P R Caruana)* or *landing* in 2011!

Hon. P R Caruana: Departures is take-off! *(Laughter)*

2015 **Hon. Chief Minister:** Mr Speaker, I am not going to be going down to the Airport, as the hon. Gentleman was wont to do, twice a week, to push the contractor –

Hon. P R Caruana: Three times before the end – *three* times...!

2020 **Hon. Chief Minister:** Three times, absolutely – ensuring that the tiling was done in the way that he liked
and that the staircase was changed in the way that he liked etc, etc – whatever it was that he did, Mr Speaker.
It was his prerogative. (*Interjection by Hon. P R Caruana*) He held the Chair and, given his penchant for
internal decoration, (*Interjection by Hon. P R Caruana*) he was entitled at the time to do it and he did it. We
2025 are not that sort of Government. I do not think that that has delayed the completion. I think that there are
technical issues that have delayed the completion, but the completion is necessary because operating two
terminals puts a lot of pressure on the people who are on the ground and this needs to be done as soon as
possible, and that is the message that everybody is getting from the Government. So there is no question of us
not pushing for this to be finished as soon as possible.

2030 But Mr Speaker, I will tell him, snagging *is* an issue, and better that snagging be an issue and before the
Government take the building, these issues are dealt with, than simply for the sake of taking it, we accept a
building that, in some respects, the snagging is not satisfactory on and that we wait to ensure that the
contractor deals with those points.

2035 **Hon. P R Caruana:** Mr Speaker, the hon. Members have already accepted delivery of the building.
Practical completion has taken place. ‘Snagging’ as he calls them, rightly, take place *after* the building
comes into the hands of the user and after it has been put into use. When people move into a house and the
snagging can go... unless, of course, the snagging is of a sort that is not compatible with the building being
occupied and in use.

2040 Mr Speaker, leaving to one side the question on which we clearly disagree, about whether the Government
have been enthusiastic about getting this project, or whether they have extended it, simply to make it easier
for him to reveal the ‘folly’ argument, about having opened it for arrivals only – leaving that to one side, Mr
Speaker – I have to tell him that, in favour of its opening by a member of the British royal family is the *only*
option that I will forgive him for sacking me as the opener and inaugurator of the Terminal – or has he
forgotten (*Laughter*) that he brought out a public statement telling me not to worry, that he would ensure that
I did the opening of the Terminal because it was my project?

2045 I can tell him that I am delighted – even though I have been *pushed* to one side, (*Laughter*) I would have
stood to one side with pleasure – and therefore I welcome having been pushed to one side by him, without
furthermore, in favour of the inauguration of this Terminal by the Earl of Wessex and if he will accept the
Government’s suggestion that the word ‘Jubilee’ should somehow feature in the name of the new Airport,
2050 then he will get double forgiveness from the Leader of the Opposition for my unceremonial sacking as the
inaugurator of choice.

A bell rang.

2055 **Hon. Chief Minister:** Round six!
Mr Speaker, I have not sacked him; it is that I made the offer to him in the days when I was Leader of the
Opposition and he was Chief Minister and, in those days, offers were made and no replies were to be had, just
like the letters I used to send him, to which I used to not get a reply – (*Interjection by Hon. P R Caruana*) so,
absent an acceptance, Mr Speaker, I had to fumble around to find somebody else suitable! (*Laughter*)

2060 **Hon. P R Caruana:** Your electoral promises are not to be believed!

Hon. Chief Minister: Even the ones made to you!
I had to fumble around to try and find somebody to open it and very, very, graciously, we found people
2065 who I think we can both agree are the best people –

Hon. P R Caruana: Of course, I am not going to suggest for one moment that the delay in opening is to
await the Prince’s arrival: he *could* inaugurate, even if it had already –

2070 **Hon. Chief Minister:** Absolutely, he will inaugurate it whatever the position is then, even if it is just
open, as it is today, for arrivals.

So, Mr Speaker, I am delighted, actually, that it will be possible to have the royal couple here and to do
something as important to Gibraltar as the opening of this and other venues and the laying of foundation
stones, etc... I did not want to say much more about it, but because the hon. Gentleman has raised it and –

2075 **Hon. P R Caruana:** I suggested it, not raised it.

Hon. Chief Minister: – and it is important that it be on the record that that is the case. (*Interjection by Hon. P R Caruana*)

2080 Mr Speaker, there are names in the mix. (*Interjection by Hon. P R Caruana*) There are names in the mix, which he will be privy to, once they are more public. I am quite happy to tell him – (*Interjection by Hon. P R Caruana*) I am quite happy to tell him afterwards.

But, Mr Speaker, I will say this – (*Interjection by Hon. P R Caruana and laughter*) When the...

2085 Can he go back to nasty, because I need to be able to at least get through the answer? At least when he is nasty, he listens, Mr Speaker!

I will, when we are there, Mr Speaker, make sure that the Earl and Countess of Wessex know that this is his idea of an airport and not ours, because that is the historic position, Mr Speaker.

2090 **Hon. P R Caruana:** Yes, and he's not tempted by the name 'Peter Caruana International Airport'? (*Laughter*)

Hon. Chief Minister: Mr Speaker, I think that he needs to think carefully about what the initials of that, which is what appear on the baggage tags, may look like. (*Interjection*) His middle name is Richard, isn't it? (*Laughter*)

2095 **Hon. P R Caruana:** Well, I have got... The hon. Member clearly thinks about an order – (*Laughter*) What would the order of the initials add to it? (*Laughter*) So I take it that is a no?

2100 **Hon. Chief Minister:** It is in all of our interests that it should not be!

Fishing Agreement 1999 Contravention of Gibraltar laws

2105 **Clerk:** Question 479, the Hon. P R Caruana.

2110 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say in what respect he believes that the content of the 1999 Fishing Agreement contravened the laws of Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

2115 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, this question seeks an opinion and, in our view, is therefore contrary to Standing Order 17(1)(vii).

The fact is that this question is also a pretext for a debate, contrary to Standing Order 16(6), although if the hon. Gentleman wants to debate this issue, I will be delighted to do so on a motion.

Nevertheless, Mr Speaker, I will answer this question by simply saying: *in every respect*, as, in our view, it was an agreement to allow Gibraltar law to be broken by certain individuals and not others.

2120 **Hon. P R Caruana:** Mr Speaker, does the hon. Member acknowledge that, far from *authorising* the breaches of the laws of Gibraltar, the Agreement specifically says that those laws for Gibraltar are valid and effective at which the fishermen acknowledged; that it is specifically said that no breach of those laws is being authorised by this Agreement; and that the essence of the Agreement is to restore the enforcement practices of those laws to what it had been since the day it was introduced by the previous GSLP Government in 1991 to the outbreak of hostilities, if I could call it that, in 1997?

2125 Therefore, to the extent that he thinks – *wrongly* in my view – that this Agreement authorises by virtue of agreeing a return to the enforcement *status quo ante*, that it cannot authorise breaches of the laws of Gibraltar any more than the previous GSLP Government had, in effect, tolerated, between 1991 and 1997, after they

2130 had *foolishly* been allowed to be persuaded by the environmental lobby in Gibraltar to introduce these laws, without regard to the implications that would come in their wake, so that when they realised what the implications were, they themselves, the introducers – that is to say, the GSLP Government in office in 1991 – took no steps whatsoever to secure, or to concern itself about the non-implementation of these laws, and that the *sole effect* of the 1999 Agreement was simply to say, ‘We will ask the Governor to ask the RGP whether they will go back to enforcing this law, as they have always enforced it from 1991 to 1996’, and that, in it, it says that there is no authorisation of the breach of the law – I will read it to him, if he shakes his head – and that... Yes, Mr Speaker:

2140 ‘The circumstances here described do not mean that any transgression of the Nature Protection Ordinance (law of Gibraltar) is permitted, and the fishermen undertake to respect the instructions of the police authorities in every case.’

which was *our* assessment, in fact, of what the situation had been before: that Gibraltar believed the laws to be valid and left enforcement to the RGP in whatever way they chose. That is what had happened between 1991 and 1997 and the Agreement merely says that ‘We will revert to whatever it was that was happening before the outbreak of war’ – in other words, we would revert to what the enforcement mechanisms had been.

2145 But, in any case, Mr Speaker, my supplementary question was not what the hon. Member interpreted – presumably the hon. Member does not assert that something is unlawful simply on the basis of *his* interpretation of the effect, unless he also thinks that there was unlawfulness going on before. The hon. Member has said repeatedly that he thinks that this Agreement *authorises* breaches of the law. I would ask him to point out what words in this Agreement he believes authorises breaches of *any* Gibraltar law.

2150 **Hon. Chief Minister:** Mr Speaker, this debate has been had in this House before. It was had at the time that the hon. Gentleman, as Chief Minister, entered into the Agreement in question and, with questioning, I think he will remember and perhaps fondly recall from Mr Gabay, who is now passed away.

2155 Mr Speaker, the Agreement is, in my view, very clear. The fact of the Agreement in itself says a lot. You see, Mr Speaker, the position, as any first year lawyer would understand it, is that there is a law in Gibraltar which proscribes certain acts in our waters, and elsewhere in Gibraltar, as it does not just deal with fish. We have many laws that proscribe many things in many areas of our community. This is perhaps the *only* Agreement that there exists about how laws are going to be enforced – certainly the only agreement that I have seen which is subscribed to by the Government of Gibraltar as to what rigour will be applied to the application and enforcement of the law.

2160 My Government has not, in the past six months, (*Interjection by Hon. P R Caruana*) subscribed to *any* agreement as to how *any* law should be enforced, neither does it purport to say to the RGP, for example, in relation to drink-driving or the purchase of drink by people under age, at any time, ‘You, RGP, are required to enforce the law today, in the same way that you have enforced it between 1996 and 2011’, because if the RGP wanted to have a crack-down on drink-driving at Christmas and people who want to drink and drive block the entrance to my office, I am certainly not going to sit down with them to agree a protocol, where I am going to ask the Governor of today, the Police Authority, to tell the Commissioner of Police that he should not police the law on drink driving with any more vigour than he does at any time during the year.

2165 This Agreement *specifically* provides that the level that the law will be applied with will be the same level of tolerance as during the period between 1991 and 1997. Well, Mr. Speaker this is an agreement, therefore, to restrict how the police enforce Gibraltar law. Between 1991 and 1997 the police, as they do in relation to every other law, decide for themselves how they enforce legislation which creates criminal offences. We, as citizens, may see somebody riding a bike without a helmet and we may think ‘what the bloody hell are the police up to, don’t they see that there is a guy riding without a helmet?’ Now, that does not mean that we are entitled to say to the Police Commissioner, ‘if they stop our son driving a moped without a helmet, how can you stop him and fine him when I saw a fellow driving without a helmet last week? I require you to enforce the law against my son with the same level of tolerance as was obviously being applied to the fellow who I saw driving across the runway without a helmet.’

2170 It is *inconceivable* Mr. Speaker – and I recognise what the hon. Gentleman is trying to do politically but, legally, it is inconceivable – *legally* that a Government should defend, as he does now, for the Government that he led, an agreement to tolerate the breaching of the law in Gibraltar, with this added danger: in the annexes there are provisions as to what happens more than 225 metres from the coast and what happens *less* than 225 metres from the coast and what level of tolerance, which is to accept, without challenging, the RGP

2185 are going to be asked by the Governor to show in respect of the enforcement of our law in those areas under the constitutional arrangements that were current in 1999.

2190 Mr. Speaker, I thought it was common ground between us in this House that Gibraltar has the territorial sea of three miles all around it except where the median lines are shorter and, therefore, the Nature Protection Act, love it or loathe it, is the law of Gibraltar to the three mile limit on the east side and to the centre of the Bay of Gibraltar on the western side and up to the international strait to the south. Now, *this* Agreement specifically sought to tell the Commissioner of Police, through the office of His Excellency, the then Governor, as a messenger, what level of application of the law there should be by the instrument of tolerance (*Interjection by Hon. P R Caruana*) in respect of the Nature Protection Act. Therefore, Mr. Speaker, I believe that this is an illegal Agreement, contrary to the rule of law, because why should we agree, *why should we agree* that certain people should be able to do certain things in certain parts of our territory which this Parliament has proscribed.

2195 If we come to the view, Mr. Speaker, as the hon. Gentleman appears to have done, given the way that he has described the Nature Protection Ordinance – then Act now – and the pejorative terms in which he described those who might have had an influence in lobbying for it, if we were to take the view that the law should be changed, as the hon. Gentleman *appears* to have done, then we have to have what it takes to come to this Parliament and change it. So be it, the person who has the majority on this side of the House can change the law because if you want to put practices in compliance of the law what you do is you change the law, you do not put police officers or others responsible for enforcement in the situation where they are told *not* to enforce the law in a particular area or in particular circumstances – and this Agreement does just that.

2200 I think it is abundantly clear that the hon. Gentleman, when he was Chief Minister, was saying, ‘Well, look chaps, you had no problems with Spanish fishermen between 1991 and 1997 so if everything goes back to what it was like -’

Hon. P R Caruana: That is not true...

2210 **Hon. Chief Minister:** ‘It is not true’ No problem.
– which they complained of, at least which gave rise (*Interjection by Hon. P R Caruana*) to the dispute between 1991 and 1997, if we go back to that, you will be alright, will you?’ He appears to have got a measure of agreement for that. He does not appear to have been able to persuade them that that could be achieved by any means *other* than seeking to tie the hands of the police through the office of the then Governor through this instruction.

2215 Mr. Speaker, I think it is important that everybody who is listening to this debate should have access to the Fishing Agreement. They should see what it is and I am quite happy if the hon. Gentleman wants to publish it again, if he has not got a copy easily accessible... But I think, at the time, it was published in the press and it has been put on certain social media sites so that people can see it; it is absolutely clear, the Government of Gibraltar states that it is not its objective to apply the law. But the Government of Gibraltar does not apply the law, Mr. Speaker, it is the police that enforces the law and applies the law with greater rigour than before. Therefore, as in the period 1991 to 1997, there will be fishing through tolerance in the application of that law and not as of rights and not due to the invalidity of that law.

2220 There will be ‘fishing’, Mr. Speaker. Change the word ‘fishing’ for ‘drug-use’: there will be ‘drug-use’ through tolerance in the application of that law and not as of right and not due the invalidity of that law. Change the word ‘drug-use’ to ‘robbery’: there will be ‘robbery’ through tolerance in the application of that law and not as of right and not due to the invalidity of that law.

2225 *How* Mr. Speaker can somebody defend an agreement to tolerate *breaches* of the law? Very simple, Mr. Speaker, because the hon. Gentleman has told us, in his analysis, that he believed that the law was wrong and it should not have been done and that it would cause problems. Therefore, he did this Agreement to allow breaches of the law of Gibraltar, contrary to every principle of the rule of law.

Hon. P R Caruana: Mr. Speaker, none of what the hon. Member has just said is true.

2230 This Agreement does not authorise the breach of any law of Gibraltar. What this Agreement says is ‘Look, here is a law that has been in place in Gibraltar since 1991 and which the Royal Gibraltar Police, who are independent law enforcers constitutionally have chosen to enforce in a certain way. I did not know what that way was.

It is not true that they could fish wherever they liked. It meant that they respected the validity of the law,

2240 that they respected the authority of the RGP between 1991 and 1997 and, on all the occasions the RGP considered it between 1991 and 1997 – to spring traps to catch Spanish fishermen, and they were caught and thrown out and/or prosecuted – whatever was enforcement practice, freely without duress, without unlawful instructions through messengers that live in the Convent to the Commissioner of Police; whatever it was that they had decided as an enforcement approach to take between 1991 and 1997 we were going to *ask* the RGP – not order – *ask* the RGP, through the Governor, whether they would agree to revert to that, which is what they had chosen, and it was not that they could fish whenever they liked. It was that they were bound by the law and that if the RGP chose to enforce it against them, they could and would and did on occasions.

2245 Mr. Speaker, the hon. Member can if he wishes place the protection of fish in the same category as robbery and drugs but a more appropriate analogy, given the serious consequences of the hon. Member ventilating his first year law student interpretation of this highly complex situation, Gibraltar is about to discover, but a more proper analogy would be not murder and robbery but driving offences. There is a law that says that you won't drive down *Line Wall Road*, I don't know what it is, forty, fifty kilometres an hour? Well, Mr. Speaker, the RGP does not police that on a zero tolerance basis and therefore turns an element of blind-eyeness, because everybody knows that people speed along *Line Wall Road* every day, a zero-tolerance policing practice would mean that they would be there every day, all hours of the day catching all the infractors that they know for certain is taking place every day. But they don't enforce because this community's wider interests do not depend on a zero-tolerance enforcement of laws – and all laws have the same status – but some laws protect society to a greater extent than others and therefore the RGP rightly devote their policing resources to those laws upon compliance and policing of which the safety and security and conviviality within this society depends, and that does not include catching every speeder, and it does not include protecting fish above everything else, important as protecting fish might be.

2255 Everything in life has a relative order of importance and for him to choose to categorise the public interest in protecting fish with the public interest in preventing murder and drugs is a monument to his exaggeration of the bad reason why he has chosen to interfere with this Agreement at the cost to Gibraltar which I fear, even though they have got no right to do it and it is a sign of everything that is unacceptable, everything that the Gibraltarians find unacceptable about the Spanish Government, this has nothing to do with accepting that their reaction is justified, but there will be a reaction and, in our view, it was unnecessary, completely and utterly unnecessary.

2260 Will the hon. Member acknowledge, just as he has done a balance sheet in terms of law and order and respect for the rule of law about what he thinks, how he has chosen to interpret the legalistic effect of what the Government did in 1999 with this Agreement; will he accept the following balance sheet of some things which are also important to Gibraltar; that here was the first and only agreement in which Spanish citizens have by agreement acknowledged, genuflected to, acknowledged and accepted (*Interjection 'hear hear'*) and recognised British sovereignty of these waters manifested through the validity of our laws, the right of our Parliament to make laws in them, the right of our police force to enforce those laws which they agree to recognise and acknowledge and that by tearing this Agreement up he has forfeited that and that he will never be able to recover that.

2270 Mr. Speaker I think that this is one of the unfortunate consequences. I don't agree. I don't agree with his analysis of the reasons why he thinks that this Agreement is either bad or illegal or a violation, so he is describing the *effect* of the Agreement not the Agreement itself. The Agreement itself does not purport to authorise or permit a single act of violation against any of the laws of Gibraltar. What it *does* do. I make absolutely no apology for it and would do it again today and encourage him still to do it today, is to simply ask the RGP, not order the RGP, ask the RGP whether they would exercise their discretion to enforce the law as *they* had – not as I had told them to – as they had chosen to enforce it with the same degree of priority, the same degree of rigour, the same degree of consistency, the same degree of laxity, the same degree of strictness, whatever it was, as they had chosen to do it before the crisis arose.

2285 So it is not *my* decision as to the degree of enforcement that I was imposing. I was simply inviting them to agree to restore *their* assessment before the armada invaded – and the Guardia Civil – and everybody ratchets up, so will he accept that what this Agreement did, first of all, was not to order, but secondly whether it was to order or to ask or, indeed, whether he is willing to acknowledge there is a difference? He may say, 'Well, Chief Minister – then Chief Minister, now Leader of the Opposition – that's all very well but that's a distinction with [*inaudible*] difference.' Will he acknowledge, nevertheless, that what the RGP were being asked to do was not to adopt a *particular* enforcement method chosen by the Government of the day but simply to revert to what had been there, for *seven years*, chosen method of enforcement.

2295 **Hon. Chief Minister:** No Mr. Speaker. No, because the letter of the Agreement says something different-

Hon. P R Caruana: It does not...

2300 **The Chief Minister:** Mr Speaker, it says here:

‘Both sides have discussed in depth what a return to the *status quo* means in practical terms, in terms of the nature and level of firmness of the enforcement of that particular Gibraltar law. The Gibraltar Government will ask His Excellency, the Governor, to ask the Royal Gibraltar Police to enforce the law on the basis of this understanding -’

2305 and then sets out what it is, Mr Speaker, that that understanding is:

‘ANNEX

After having discussed in detail what a return to the status quo and therefore to the 1991-97 situation is, both sides understand that the law will be applied strictly in the following circumstances:

2310 AREA – WEST OF THE BAY

Distance from the coast 225 metres.

Number of fishing boats: no more than four. (In this respect the luceros are not considered boats actually fishing).

At no time can any entrance of the port be obstructed.

2315 EAST SIDE

In less than 225 metres from the beach or coast.

The circumstances here described do not mean that any transgression of the Nature Protection Ordinance is permitted, and the fishermen undertake to respect the instructions of the Gibraltar police in every case.’

2320 Well, Mr Speaker, is it not obvious? I have too much respect for him intellectually to think that he does not understand this – of course, he does – (*Interjections*) but let him just get up and say, ‘It’s an agreement to breach the law and I did it, because politically it was expedient.’

Mr Speaker, what happens outside those strict areas of enforcement? It is an agreement for not strict enforcement outside those areas, for tolerance – in other words, allow without challenge, outside those areas.

2325 He might say, ‘Yes, but only to the extent that that was the case between 19991 and 1997.’ I would accept that argument: if we were saying zero tolerance in these areas of this law, but normal policing thereafter outside it, I would accept that principle, because you see, Mr Speaker, I do not purport to tell the police zero tolerance on one, no zero tolerance on the other. It is a matter entirely for the Police, but this Agreement went further! (**A Member:** It didn’t.) Through the office of the Governor, it purported to tell/ask... well, what it should be that the police should be doing, in respect of the enforcement of a particular law.

2330 Now, the hon. Gentleman may not like it, when I compare it to the law of murder or the law of robbery or the laws against the abuse of drugs. He may prefer to compare it to driving offences; but as he has acknowledged, because he wants to diminish the importance of this, all laws are the same and he takes us to the law on driving, (*Interjection by Hon. P R Caruana*) because it is, of course, easier for him to make the point in respect of the laws of driving.

2335 But, Mr Speaker, that is exactly the point to take. In a state governed by the rule of law, what is the Government doing, asking, telling or otherwise influencing the police in respect of how it should enforce the laws? The Government is more powerful than the police. It can come to the Parliament and change the law and say that the offence is no longer on the statute book and then the police have nothing to enforce. That is why we are the executive and the police are the enforcers.

2340 This Agreement transgresses that line and, Mr Speaker, that is why it was an issue that we considered important enough to put in our manifesto and the people knew that this was one of the things they would be choosing, if we became the Government.

2345 Now, Mr Speaker, I want to take some of the other points that the hon. Gentleman has made, in turn. One of them he made outside of this House, during the course of an interview with Gibraltar Broadcasting Corporation. He said, Mr Speaker, that, although he believed that the Agreement was an important thing, he would not side with Spain, of course, on these issues; but the fact is, that the only two people, aside from the mayors and the fishermen who have come to my office, I have heard in the media saying, ‘Stick to the 1999 Agreement’ are Sr Garcia-Margallo and Sr Peter Caruana. So there is an element of confluence between the two of them, that the 1999 Agreement should be kept to.

2350 Now, I will tell the hon. Gentleman that I do not believe he achieved anything with this Agreement by getting Spanish citizens to genuflect to our jurisdiction. I will come to why in a minute. But he will know that

2355 one of the sticking points at the time was that the Spanish central government and the Ministerio de Asuntos Exteriores would not recognise this Agreement, and he will know that they would not, because of their intellectual approach to the Gibraltar issue, in particular of the waters. Their position has historically been, under the Treaty of Utrecht, Gibraltar was not ceded with waters, and therefore Gibraltar's position under the United Nations Convention of the law of the Sea does not give it anything other than the port waters and not the three miles of sea around it.

2360 His Agreement in 1999 did not change that position and the Ministerio de Asuntos Exteriores has never recognised this Agreement – until, Mr Speaker, we have been very clear in saying that we believe this is an illegal Agreement.

At least, Mr Speaker, he will recognise that we have achieved one thing: that Sr Garcia-Margallo, in a moment where I think his officials, once again, lost control of him, went on TV and recognised the Agreement, and said that we should have it. That is not a good reason for having it, but at least our attitude to it has got the Ministerio de Asuntos Exteriores to recognise the existence of this Agreement.

2365 But, Mr Speaker, why do I say that nothing was achieved, in terms of the Spanish fishermen's subscription of their signatures – although I have not seen a signed copy – acceptance of this agreement, as the hon. Gentleman says was the case? Why do I say that there is no genuflection to the jurisdiction of Gibraltar at all to be proud of? Because, Mr Speaker, the only recognition that they give, in the first sentence of the Agreement, is:

2370 'The fishing sector of the Campo de Gibraltar'

– which is not a unincorporate person, it is not a legal body, it is disparate, it has no legal personality –

2375 'respects as fact that the Gibraltarian authorities have the right to legislate in relation to fishing as they see fit...'

2380 Right? Well, Mr Speaker, acceptance as fact of the jurisdiction of Gibraltar, of the existence of this Parliament and of our Supreme Court by Spain is around us every day, because the tanks have not rolled. They have accepted our *de facto* right to occupy this land. They have accepted our *de facto* right to legislate. They have accepted our *de facto* right in so many other respects. There is no *de jure* recognition, which is what he knows, Mr Speaker, would have been of value, so to get a few Spanish fishermen to accept what the Ministerio de Asuntos Exteriores has recognised, even when Franco was there, is no genuflection. The genuflection here, Mr Speaker, was that a few hotheads blocked the frontier on that side and, no sooner had they done so, than our then Chief Minister was ready to do an agreement that our laws should be breached.

2385 Mr Speaker, taking the example of the policing of driving at 30km an hour along Line Wall Road: whether you were booked at 31km an hour, at 50km an hour, or not booked at all at 100km an hour, is not a matter for the Government of Gibraltar – not a matter for the executive; it is a matter for the Commissioner of Police and his officers and now the highways enforcement officers, if they have powers in relation to speeding. If we believe that you should be allowed to drive at 50km an hour, it is not appropriate for me to call Eddie Yome or to call the Chairman of the Police Authority and, in those days, to call the Governor and say, 'Go on, Guv, let us speed up to 50 and don't fine us!'

2390 The appropriate thing for the Chief Minister of Gibraltar to do *in those circumstances* is to come to this House and say, 'You should be allowed to drive at 50km an hour in Line Wall Road.' That is *not* what the hon. Gentleman did.

2395 Mr Speaker, I want to address a number of other issues that arise.

2400 The hon. Gentleman has talked about the storm that may be unleashed. The hon. Gentleman did this Agreement. He entered into an agreement, under the Tripartite process, for the payment of very large amounts of money by the United Kingdom, not us, of pensions to Spanish pensioners who have worked in Gibraltar before 1969. He entered into an agreement, very early on in his tenure for the changing of the Gibraltar identity carnet as a result of pressure being put by Spain. He agreed that the stamp of the Hague Convention, used by Gibraltar notaries, should in some way change, as a result of pressure that was sometimes put by Spain; and, Mr Speaker, in the past 16 years, the hon. Gentleman will at least recognise that he faced as many challenges as any Chief Minister of Gibraltar is likely to face, from our northern neighbours.

2405 He faced queues of five or six hours on some occasions. He faced cruise liners being told that they could not come to Gibraltar, if they wanted to touch at a Spanish port. He faced challenges to our Gibraltar ID cards even then and, on all of those occasions, he faced those challenges, including royal visits by Spanish princes,

cancelled for reasons related to Gibraltar, even though he had done this Agreement.

2410 Mr Speaker, I think every Gibraltarian knows that, with Spain as our neighbour, the storm will inevitably come. I, actually, Mr Speaker, want to give Spain the benefit of the doubt – when I say Spain, I do not mean *el ciudadano de a pie*; I mean the Spanish Foreign Office and the Spanish Government – that they are actually going to wake up soon to what behaviour is expected in 21st century diplomacy and in a 21st century world, which they expect should be accorded to them around the world and which they accord to most issues that they deal with, given the nation that they are, except, of course, when they turn to this blind spot, which is Gibraltar.

2415 I do not believe, Mr Speaker, that the Government of Spain will be foolish enough to turn this into an issue of the sort that we have seen before, where, if you do not allow our people to fish, the Guardia Civil will confront the RGP, the queues will be five hours, etc because – perhaps you might not expect to hear me say this – I have a lot of respect for the people who make up the Ministerio de Asuntos Exteriores, and I believe that they will not fall back on those ways, which are the ways of the tyrant and the ways of the dictator.

2420 But if they do, Mr Speaker, in the same way that he had to face them down, *even though* he had done the Agreement that is so clearly contrary to the rule of law, *even though* he had helped them with a deal to put millions of pounds into the pockets of Spanish pensioners as a result of the Córdoba Agreement, *even though* he had agreed the change to the ID card and he had agreed the change to the Hague Convention seal, *even though* he had created, with the Spanish foreign ministry at the time and the British foreign ministry, the Tripartite process, all of those challenges came: the four-hour queue; the five-hour queue; the problem at the border; the problem with the cruise ships.

2425 So, Mr Speaker, is it that I am being told that, simply because I seek that all our laws should be respected, if I do, I am going to confront something novel, something new, a new type of storm? Well, Mr Speaker, I just do not believe that – anybody who has lived in this place, as I have, for 40 years, as he has for 55 or 56 – anybody who has lived here for any period of time can believe that the road to respect for our laws, our city, our Parliament, our people and our rights is down to genuflecting to what we are required by our Spanish neighbours to do, namely, in this case, an agreement that our laws should not be observed.

2430 I remain available to continue discussions with representatives of the Spanish fishermen and representatives of the Ayuntamientos in this area and always available to meet with the Spanish foreign minister, Mr Margallo, should he so wish, as the maximum representative of his country's diplomacy, should they wish to engage us on this or any subject. We do not seek confrontation, and a government that seeks the observance of a law that has been there for 20 years cannot seriously be told that it is seeking confrontation.

2440 **Hon. P R Caruana:** Mr Speaker, I hope the hon. Member learns as soon as possible the science of *realpolitik* because, if he does not, then he had better advise his fellow citizens to get ready to man the barricades, as once they already had to do, when the GSLP was last in office.

Mr Speaker, look, the hon. Member says that he does not expect to face any new type of new storm, and that he does not seek confrontation. Well, Mr Speaker, I like to think that I demonstrated –

2445 **Hon. Chief Minister:** Mr Speaker, I hope that those who are in the Spanish foreign office today do not behave in a way –

Hon. P R Caruana: Alright, I acknowledge that that was insensitive.

2450 Mr Speaker, I like to think that I did not run away from any fight, regardless of the consequences for Gibraltar, when there was something genuinely at stake, which was more important to Gibraltar than the consequences of standing up.

2455 But Mr Speaker, the responsible way to do those right things is to do them whether there is a basic and fundamental political or legal or economic or social interest of Gibraltar; not unnecessarily, to provoke those consequences by unnecessarily undermining an arrangement that was in place and of which there was no *fundamental* interest of Gibraltar at stake. I do not accept, therefore, that he has not sought or has sought to avoid confrontation. I think, as I have said publicly, that, in unnecessarily, for the almost sixth-form moot reasons that he has given today by way of explanation for having done so, (*Interjection by Hon. Chief Minister*) that he should have chosen – Yes he said ‘first-year law student’ and I said ‘sixth-form moot’: it is not too much difference –

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Hon. Chief Minister: It is decidedly time for [*inaudible*].

2465 **Hon. P R Caruana:** Mr Speaker, I believe that to have done what he has done for the reasons that he has given that he has done them is to *unnecessarily* bring about for Gibraltar whatever the consequences are, however unjustified – and in this I agree with him – the other side may be in reacting in that way.

The fact that they are unjustified in reacting in that way and that it amounts to ‘un-21st-century’ European bullying does not alter the fact that, if it happens, it is self-inflicted to the extent that it is the result –

Hon. Chief Minister: No, it is not.

2470 **Hon. P R Caruana:** – it is the result of an unnecessary – for unnecessary reason – undermining of an arrangement that was working and that was not more important to Gibraltar. Whatever the reasons he may have had for doing so were not more important to Gibraltar than avoiding the wholly bullying and unjustified reaction of a newly elected right-wing government in Spain.

2475 I say that to him genuinely and sincerely. That is my view, and he is wrong in asserting that the Spanish fishermen have not... have only recognised this Agreement *de facto* and not *de jure*. The use of the word ‘fact’ in this Agreement is not ‘fact’ as in *de facto* as opposed to *de jure*; it is:

‘The fishing sector of the Campo de Gibraltar respects as fact’

2480 – namely, *as fact*, (*Interjection by Hon. Chief Minister*) that it exists –

‘that the Gibraltar authorities have the right to legislate in relation to fishing as they see fit and therefore, as such, respect the validity of the Nature Protection [Act]’.

2485 Mr Speaker, if you respect something *de facto*, you do not respect the validity in law of the laws that the *de facto* occupier promulgates. You respect the facts but not the laws, Mr Speaker, and he is wrong – (*Interjection by Hon. Chief Minister*) and he is wrong, Mr Speaker, in saying that he cannot agree that this Agreement was just a return to the *status quo ante* enforcement because in the annexes, it purports to describe what those *status quo ante* was and that therefore we were going more than just the *status quo ante*; we were actually setting out what the method and the degree of enforcement and tolerance would be. *That*, which he so mischaracterizes – namely the content of the annexes – *was* the *status quo ante*. It was simply a description of the *status quo ante*: ‘this is how they used to enforce it’, and just to demonstrate that point, Mr Speaker, the 225 metres was the *status quo ante* because that was the limit of Admiralty waters and the only police that used to rush out, if they came closer than –

2495 **Hon. Chief Minister:** That is not true – not on the east side. I am sorry that is not true.

Hon. P R Caruana: Mr Speaker –

2500 **Hon. Chief Minister:** That is not true on the east side.

Hon. P R Caruana: Mr Speaker, it is on the *west* side.

2505 **Hon. Chief Minister:** There is no Admiralty water on the east side and there is a reference –

Hon. P R Caruana: Mr Speaker, on the east side was the – (*Interjection by Hon. Chief Minister*) Let me finish, Mr Speaker! (*Interjection by Hon. Chief Minister*) On one side, it was the MoD, with their concerns for Admiralty waters and on the other side, it was proximity to the beach. The RGP *did* used to go out and enforce incursions, when there was danger to swimmers and things of that sort.

2510 This was not a new agreement of degree of toleration; this was a description of the *status quo ante* and therefore it was not more proscriptive or more ordered or new, in terms of defining what the degree of...

Well, Mr Speaker, the hon. Member may profess to know more about it than I, on the matter, but he is wrong!

2515 Mr Speaker, I know that the UK Parliament encouraged the Gibraltar Government to change the law, for the reasons they set out in the report, *after* they had applauded the Gibraltar Government for entering into the Agreement. The Governor applauded the Government for entering into the Agreement. The RGP were entirely appreciative of the entering into the Agreement. The UK Government were entirely supportive and

2520 appreciative of the Gibraltar Government in entering the Agreement. (*Interjection by Hon. Chief Minister*) Does he really think that all of those institutions – the Parliament, the Government of the United Kingdom, the Queen’s Representative in Gibraltar then responsible for law and order and the judicial system, the RGP then *still* the constitutional independent enforcement authority – all of those people welcomed and applauded and congratulated the Gibraltar Government for entering into an agreement, which *he* says is an illegal agreement in violation of the law and improper?

2525 Mr Speaker, the hon. Member will forgive me if we do not accept that, of all the people that have opined on this matter, he should be the only one that is right and that all these other institutions, not just in Gibraltar but in the United Kingdom, were actually endorsing an act of illegality!

Mr Speaker, this is simply just not... It is just not a credible use of the circumstantial evidence at his disposal.

2530 **Hon. Chief Minister:** Where is the question?

Mr Speaker: I was allowing him to finish. I have got to –

2535 **Hon P R Caruana:** Does the hon. Member finally accept, Mr Speaker...?

I agree with one thing that he has said: that Sr Margallo must have been rapped on the knuckles by his officials for coming out, calling for the restoration of the Agreement – which is, by the way, what I *still* urge the hon. Member to do.

2540 Mr Speaker, the hon. Member will recall that there was a PP Government in Spain, at the time that we did this Agreement, and that his predecessor, as PP Foreign Secretary, Sr Matutes, said of the Agreement, that ‘it was not worth toilet paper’ or words to that effect – that he would not put it up in his bathroom or... He made some allusion to the sort of paper that one uses in bathrooms to describe this Agreement, such was their state of unhappiness about it! Well, he knows very well that if the Spanish foreign ministry is so unhappy about something, there must be something good in it for us.

2545 **Hon. Chief Minister:** The question.

2550 **Hon. P R Caruana:** The question is does he accept the possibility, Mr Speaker, that what he... (*Interjection*) Well, Mr Speaker, it is all very well to... It is clear we are now having a debate, as we were when he was giving his 25-minute exposition, and that when I start to continue to take part in the debate, (*Interjections*) it is all of a sudden glances at the Speaker –

Mr Speaker: I have not heard the question yet!

2555 **Hon. P R Caruana:** Yes, Mr Speaker, does he acknowledge that the fact that Sr Margallo and I both urge him to restore this Agreement might actually be because we both agree, whatever else we might think about the Agreement, that it enables an equilibrium with which all sides can, and have, lived, and that it is the way of avoiding unnecessary conflict between us?

2560 I just want to say one more thing and then I will sit down. Mr Speaker, I do not accept the underlying premise of his statements today and his statements publicly, recently, that the GSLP Government is not the sort of government that instructs the police as to the degree of tolerance or the degree of enforcement of laws – or does he not recall the GSLP Government in those days instructing the RGP not to enforce strictly our tobacco laws?

2565 **Several Members:** Hear, hear. (*Applause*)

Mr Speaker: Order! Order!

Before the Hon. the Chief Minister rises to reply, I have allowed, as both sides will appreciate –

2570 **Hon. P R Caruana:** I have appreciated.

Mr Speaker: – a lot of latitude in the discussion of... (*Interjections*) It was really a question of –

Hon. Chief Minister: I have not answered a question until fairly late on...

2575 **Mr Speaker:** Well, anyway, I have allowed latitude, even though the Hon. the Chief Minister invited the Hon. Leader of the Opposition to bring this debate in a motion. Having regard to the subject matter and its importance, I have allowed the parties to conduct this as a debate (*Interjection*) under Standing Order 24A, so I have allowed a lot of latitude on that.

2580 It has been a very interesting discussion. It has been conducted in a very constructive manner, without sounding patronising, but I would invite the Hon. the Chief Minister now to reply, as if he were replying to wind up a debate, so that could be the end of this discussion.

Hon. Chief Minister: I am very much obliged, Mr Speaker.

2585 I am afraid that, starting at the end, I may be about to change the tenor (**Mr Speaker:** Oh dear!) (*Laughter*) of the way that the debate has been held, because I have read all –

Hon. P R Caruana: You can change the tenor, but not the facts!

2590 **Hon. Chief Minister:** I have read *all* of the debates in this House since 1999 – in fact, they were all question-and-answer exchanges which read like debates – and the hon. Gentleman raised that point about the GSLP tolerating breaches of the law and asking police officers to turn blind eyes. I will tell you, Mr Speaker, what the then Leader of the Opposition, Joe Bossano, said to him at the time, that he did not accept his premise, Mr Speaker.

2595 His reply to that was to say, ‘Well, everybody in Gibraltar could see what was happening and they could make up their minds for themselves.’

2600 Because I am not answerable for what the GSLP did between 1988 and 1996, I am going to leave it at that, but I am going to say to him – (*Interjection by Hon. P R Caruana*) I am going to say to him, Mr Speaker, that actually everybody could see what was happening after 1999, when he did his Agreement, which he says was not an agreement for the laws of Gibraltar to be broken: namely, that there were Spanish fishing vessels in our waters, under the supervision or within the sight of Gibraltar Police vessels, breaking Gibraltar laws, as a result of the effect of the Agreement he says is not an Agreement to break Gibraltar laws.

2605 So, you know, we can take different attitudes as to which party (*Interjection by Hon. P R Caruana*) in Government has said what to the RGP. This Government is saying nothing to the RGP, other than asking them to do their jobs and they can come back to us if they have any resources issues –

Hon. P R Caruana: Well, then, change the law.

Hon. Chief Minister: – as is normal in any democracy.

2610 Well, Mr Speaker, *realpolitik* involves many things, not just the realities that are coming towards you. It is an understanding of the nuances of what government is about and what politics is about.

2615 But, Mr Speaker, underlying all that must be one cardinal rule, that everyone is equal before the law and that the executive does not promote that citizens of one nation or another should be able to disregard the law. It is, in my view, Mr Speaker, (*Interjection by Hon. P R Caruana*) and it will be, Mr Speaker, forever in *Hansard*, to his eternal discredit, to have got up in this House today, because he has nowhere left to run on this Agreement, to help – as he has done – to *help* Spain, Ministry of Foreign Affairs, to justify the actions which he says they will now unleash. (**Hon. P R Caruana:** You!)

In other words, he is saying, ‘Picardo, you have brought it upon us – (*Interjection by Hon. P R Caruana*) if it comes, you have brought it upon us.’

2620 **Hon. P R Caruana:** Absolutely right.

Hon. Chief Minister: ‘If the queues are there, it is your fault’ –

2625 **Hon. P R Caruana:** Absolutely right.

Hon. Chief Minister: So, Mr Speaker: Landaluce, Margallo and Caruana – all on the same side of this issue! (**Several Members:** *Hear, hear!*) (*Applause*) All of them calling –

Hon. P R Caruana: Absolutely right.

2630 **Hon. Chief Minister:** – all of them calling for the same thing –

Hon. P R Caruana: Absolutely right.

2635 **Hon. Chief Minister:** – all of them justifying it on the same basis –

Hon. P R Caruana: Absolutely right.

2640 **Hon. Chief Minister:** As a Member of this House, for him, Mr Speaker, to have got up today, simply for the purposes of protecting such political legacy as people may still want to ascribe to him, to have said, as he has said and now emphasised, that because the Government of Gibraltar of a new political colour and a new political complexion is not prepared to subscribe its name to an Agreement that some and not others, and in some places and in not others, and in some circumstances and in not others, our laws should be broken, well, Mr Speaker, (*Interjection by Hon. P R Caruana*) that, I think in the *realpolitik* of this, in the history of this, when his career in politics is analysed, that will be the point of the final full stop. When he got up in this House to side with the Mayor of Algeciras, with the most aggressive Minister of Foreign Affairs (*Interjection by Hon. P R Caruana*) that Spain has had in the past 30 years, against the Chief Minister of Gibraltar – *against* the Chief Minister of Gibraltar, Mr Speaker, on this issue, which as he said, is not an important thing! This is *fish!* With a bigger, important issue, economically or legally, I would have been there fighting like a lion, as I have on other issues.

2650 Well, Mr Speaker, that is such a misnomer. That is such an attempt to pull the wool over the eyes of our citizenry that it must be answered, because this is *the* most important issue, (**A Member:** Hear, hear.) – whether it is the Nature Protection Act or whether it is (*Interjections*) any other piece of our law, how can there be *seriously* an Agreement that *some* be allowed to break our law in some circumstances, but not others, and how can that not be important and how can that not go to the root of the Rule of Law.

2655 I say this, Mr Speaker, confident that whether they liked it in Parliament, they liked it in the Foreign Office, they liked it anywhere else, and they liked it anywhere except in Madrid, I know, Mr Speaker, as *he* knows, my analysis is the correct one, and the analysis of my Government is the correct one. (*Interjection by Hon. P R Caruana*)

2660 Mr Speaker, it is not that Mr Matutes was so unhappy with the Agreement that he felt it was toilet paper and that therefore if the Spaniards are unhappy with it, it must be good for us. No, Mr Speaker, he – I have too much intellectual respect for him – knows that they were not unhappy with it; it is that it does not fit in, in the lexicon of the analysis that they have consistently done, based on Utrecht: ‘You have no waters, you cannot do an agreement. Whether one of my citizens *de facto* recognises it or not, I as the party responsible in international law for the state do not recognise it and therefore I consider it toilet paper.’ It is not that they were unhappy! How could they be unhappy? Their citizens, above ours, were going to be allowed to break the law of Gibraltar, so that is a ridiculous suggestion to pray in aid.

2665 Mr Speaker, he does not agree that I have tried to avoid confrontation. Mr Speaker, that is another agreement between him and those of our detractors (*Laughter by Hon. P R Caruana*) in Spain. Is he, Mr Speaker, going to end his political career by surprising me in New York in June, when I thought he did not want to go to the Committee of 24, but actually to deliver the speech for the Kingdom of Spain, rather than the speech of the Leader of the Opposition of Gibraltar? (*Laughter*) Is it going to come to that? Because to have stood here...

2670 He has said *nothing* which Sr Margallo has not said and which Sr Landaluce has not said (**A Member:** Hear, hear.) What he has unleashed today, Mr Speaker, in this House, in this debate, if I may call it that, is actually quite unprecedented.

2675 Mr Speaker, the analysis that he has made of what *de facto* means is – again, I am very sorry to say, because I know that he knows this, Mr Speaker, but he is just saying it because he has to – absolutely and completely incorrect in law. Moreover, the analysis that he does now, knowing the truth as I know he knows it, about the 225 metres, is equally ridiculous. He knows, Mr Speaker, because he said it on one of the question-and-answer-session-cum-debates, that the limit for this type of activity in Spain is 220 metres! He said, ‘and I added another five so it wasn’t identical to Spanish law’!

2680 So Mr Speaker, *everything* we have heard today from the hon. Gentleman is designed only for one

2685 purpose: a final grapple, a final attempt – ‘It doesn’t matter, Gibraltar, that I did an Agreement contrary to the rule of law to ignore the laws of Gibraltar. Keep listening to me saying the opposite. You’ve always believed me, when I have said one thing and done another. Give me, please, one more chance, one more breath – can I survive a moment longer?’

The fact, Mr Speaker, is that he has done his ego a great service and Gibraltar a great disservice.

2690

**Environmental zones in Overseas Territories
UK intention to designation**

2695 **Clerk:** Question 480, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, you do not need to have the last word to win an argument. This is the mistake that he makes. You do not have to speak last.

2700 **Hon. Chief Minister:** He used to have the last word before and that is why he thought he used to win the argument.

Hon. P R Caruana: Can the Chief Minister – ?
Mr Speaker the last word on this subject, regrettably for Gibraltar, has not been uttered. (*Interjections*)

2705 **Mr Speaker:** Order! Question 480.

Hon. P R Caruana: Can the Chief Minister say whether the United Kingdom government has raised with him its intention to designate environmental zones in Overseas Territories?

2710 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the issue has not been raised with us. In fact, we have raised it with the United Kingdom, based on the *Sunday Times* article that alerted us to the issue – I do not know whether he has had an opportunity to review it.

2715 I would say, Mr Speaker, that this raises a lot of constitutional issues.

2720 **Hon. P R Caruana:** Mr Speaker, I agree that it raises a lot of constitutional issues. There was a time that the United Kingdom government tried to add ‘environment’ to the list of things that it thought belonged to *it*, so external affairs, defence, emergency management and the environment. It was clear as daylight to everybody that the Overseas Territories Consultative Council had, in effect, become a vehicle for doing that, which is one of the reasons – not the only reason – why the Gibraltar Government declined to carry on going to that forum. It was not a forum, as we were concerned, in which the Government of the United Kingdom could, by creep, help itself to subject matter jurisdiction.

2725 Mr Speaker, our Constitution says... and remember, as I am sure he will, that our Constitution is not law of Gibraltar; it is law of the United Kingdom. It is a legislative Act of and in the United Kingdom legislative process and, therefore, it *binds* the United Kingdom Government as much as it binds the citizens and institutions of Gibraltar; and that, in that, it reserves, not to the United Kingdom, certain... to the Governor who represents the Crown, the Queen.

2730 **Hon. Chief Minister:** The Queen in Gibraltar.

Hon. P R Caruana: Absolutely, Mr Speaker.

2735 And does he further accept that what is not reserved to the United Kingdom in that Constitution is not available to them by way of...? In other words, our Constitution does not say that matters are the preserve of Gibraltar Ministers unless UK Ministers decide that they want to exercise them instead.

They had no legal *vires* under United Kingdom law to do this, Mr Speaker, and therefore, will he agree with me – as I think he will – my interpretation of what of he has just said: that it would not be admissible for

2740 the United Kingdom Government to usurp *any* aspect of the statutory...? The United Kingdom Parliament may be in a slightly different legalistic position, but the United Kingdom executive, and certainly UK Ministers, may not usurp environmental competence in Gibraltar, unless it be by means of a legal instrument that overrides the Gibraltar Constitution Order.

Hon. Chief Minister: Absolutely, Mr Speaker.

2745 Now, I think it is fair to say that this article does not talk about Gibraltar; it talks about other islands. But it must be clear, Mr Speaker, to Ministers that, when they are talking about Overseas Territories and issues like this, they can never talk for Gibraltar – unless, of course, Mr Speaker, there happens to be an agreement that we might want to do something with them on a particular issue.

2750 There is absolutely no question whatsoever of a UK Minister having the right or authority to say anything about Gibraltar's environmental protection, let alone that they might be thinking of creating something around Gibraltar.

2755 Mr Speaker, there are, as the hon. Gentleman knows, at a European Union level, issues relating to the environmental protection of the seas around Gibraltar, which are the subject of the famous legal case; but there is no question, Mr Speaker, of Mr Letwin, who is the mentioned Minister who is actually in Downing Street, as I understand it, being entitled to make any such remarks about Gibraltar.

I think, Mr Speaker, there was a lot here of journalism in this article (*Interjection*) and very little directly attributable to a UK Minister which one can actually take issue with, but if there were to be an idea, somewhere, that from Downing Street we could be told which areas of our territory we are to designate in one particular way or another, for constitutional reasons, Mr Speaker, they would have something else coming.

2760

Correspondence between UK Foreign and Commonwealth Office and Spanish Foreign Ministers

2765 **Clerk:** Question 481, the Hon. P R Caruana.

2770 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say whether the Foreign and Commonwealth Office of the United Kingdom has provided him with a copy of the long letter which Sr Margallo has recently said he sent in response to Mr Straw's final letter to Sr Moratinos and is the Chief Minister aware whether the Foreign Office has replied to that letter?

Clerk: Answer, the Hon. the Chief Minister.

2775 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I can confirm that I am aware of the content of the letter which Sr Margallo sent to the Foreign Secretary upon his appointment and I am also fully aware of the content and terms of the reply sent to him by the Foreign and Commonwealth Office.

2780 **Hon. P R Caruana:** Just for the record, Mr Speaker, will he say that he has chosen the words 'aware of the content' ... he has copies of the letters? Yes. Can he say yes for *Hansard*?

Hon. Chief Minister: Yes.

Mr Speaker: Yes, *Hansard* would like to know! (*Laughter*)

2785

Spain's renunciation of Trilateral Forum Foreign and Commonwealth Office reaction

2790 **Clerk:** Question 482, the Hon. P R Caruana.

Hon. P R Caruana: And I hope that he was sent them at the time and not just when he told the Convent

that I had asked this question. Well done, as it should be – as it should be so, Mr Speaker.

2795 Mr Speaker, can the Chief Minister say whether he has received the *express* assurance of the Foreign and Commonwealth Office that it has not expressed to Spain any degree of contentment, acceptance of, or acquiescence in, Spain's unilateral renunciation of the Trilateral Forum?

Clerk: Answer, the Hon. the Chief Minister.

2800 **Hon. Chief Minister (Hon. F R Picardo):** Absolutely, Mr Speaker, and I will say this: as I assume was the case when he was in No. 6 Convent Place, the content of the letter that was sent in reply to Sr Margallo's was *fully* consulted on with me, and I am very content with the language, as I am sure he would be, insofar as it relates to the issue of the Trilateral Forum.

2805 He will have seen that the Government issued a press release when Mr Margallo said something suggesting that the letter he had received said something different to that which we knew it said, which also included reference to what the United Kingdom position was, and that that was, if there was anybody renouncing the Trilateral Process, it was the present Madrid Government – because it is not even the Socialist Party that was in Government when he and Mr Miliband were involved in creating that process – and that the United Kingdom *and* Gibraltar remain *equally* available to progress the Trilateral Forum.

2810 **Hon. P R Caruana:** Mr Speaker, I did not ask the question because I doubted that that would be the UK's position, which I am very happy to see has not changed, but rather to give us an opportunity to place on the public record a response to Sr Margallo, at least as he is *reported* as having said in the press – it may be an inaccurate report – that actually the reply that he had received from the UK was very satisfactory or words to that effect. He may not have used the word 'satisfactory' – 'a good reply' or something like that.

2815 Let us make it clear that that does *not* mean that the UK gave him *any* comfort whatsoever on his renunciation of the Trilateral Forum.

2820 **Hon. Chief Minister:** Absolutely, Mr Speaker, I am delighted to have that on the record and that what was said in the press release, which I think that the hon. Gentleman would agree with us is the right approach, not just from Gibraltar but also from the United Kingdom, is what was said in the letter, which expressed strong commitment to the Forum and to its continuation.

2825

**Borders and Coastguard Agency
Government intentions for Coastguard Agency role**

2830 **Clerk:** Question 483, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to proceed with the Coastguard Agency role of the Borders and Coastguard Agency?

2835 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the Government will make an announcement in respect of this matter in due course.

2840 **Hon. P R Caruana:** So, the answer is that he cannot now say; or if he can, that he will not now say.

Hon. Chief Minister: It is one of those two.

Hon. P R Caruana: It is one of those two – probably a bit of both.

2845 Well, Mr Speaker, can I just say to the hon. Member that it would be my hope that he does. Will he just accept from me, so that I know that he is aware of it, the reason why the previous Government added the 'Coastguard' bit? That is that it is a means of creating an umbrella organisation in which all of Gibraltar's waterborne assets can be pooled together, and after each doing their own role, for Department people,

2850 manning the boats in a seafaring sense, RGP officers and Customs officers and Port Department officials in respect of the law enforcement, because if we buy bigger boats – *if* we buy bigger boats! – the RGP can man them from a law enforcement point of view, but cannot necessarily man them from the marine point of view, from the port. This is a way of getting all the resources together and making them more credible and senior, rather than having four or five agencies floating around.

2855 So that was the reason. It seemed popular at the time. We would have done it, if we had proceeded. Certainly, it is not universally liked outside of our shores, this initiative, but I think it is a good way of marshalling and harnessing and enhancing the presence role of all our various waterborne assets, some of which now are difficult to deploy, in support of this function.

2860 **Hon. Chief Minister:** I am grateful for that indication. I think the hon. Gentleman said as much in the debate on the Agency, when he brought the Bill. (*Interjection by Hon. P R Caruana*) But I am grateful for that.

2865 I am going to resist saying that, of course, now the RGP are free to enforce the Nature Protection Act, there are things that they could do with the bigger boats, even if we do not go ahead with the Coastguard parts of it, but anyway... (*Interjection by Hon. P R Caruana*)

**North Mole sullage plant
Government intention to allow reopening**

2870 **Clerk:** Question 484, the Hon. P R Caruana.

Hon. P R Caruana: Mr Speaker, can the Chief Minister say whether the Government intends to allow the sullage plant to reopen on the North Mole?

2875 **Clerk:** Answer, the Hon. the Chief Minister.

2880 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as has recently been announced, Government is conducting jointly with the owners and operators of the plant a thorough assessment of the facility, which will determine whether or not it would be viable to resume operations at the Western Arm. Until this assessment is complete, Government will not be in a position to state whether any such operation can continue and, if so, under what conditions and restrictions they would be allowed to continue.

2885 Mr Speaker, I have said to him before that it is... I have not used the example before, but it is almost like climbing Everest without oxygen, the hurdles that the operators would have to surmount in order to satisfy us, given the present configuration of the Western Arm and the proximity of residential areas, in any event, that those operations should once again be allowed.

2890 **Hon. P R Caruana:** In any assessment – I do not want to add to the lack of oxygen near the peak of the summit – but amongst the issues, Mr Speaker, I have no doubt that the Minister for Tourism will be urging upon him is the reaction to any such step by the cruising industry, who have supported us – Gibraltar; I do not mean ‘us’ – who have supported Gibraltar and who must not be put offside Gibraltar by doing anything with which they are not content.

2895 It is up to the Government, therefore, whether it allows them to reopen there, whether it ends sullage operations in Gibraltar altogether, or whether it says, ‘You can’t open there, but here are facilities elsewhere,’ so that sullage facilities... That may be an acceptable way forward.

But I am content, because this is not an anti-sullage-plant stance that the Opposition takes now, or that we took in Government, but rather to ensure that the horizontal damage to other macro-economic interests of Gibraltar are kept well to the forefront of any consideration of whether to allow it to re-establish *there* or not.

2900 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman started by saying that he did not want to take oxygen away from those who might be near the summit. I do not even want us to go near that analogy, because I would say that, if I had to assess this, there is nobody even on the lower slopes of Mount Everest, because there would have to be so much persuasion of the Government to allow this activity to occur again,

given the present configuration of the Western Arm, that I do not think they have even taken off in the process.

2905 But, look, it is right that we should do an analysis of what is happening in the activity, but that analysis, in any event, would be *ad referenda* the cruise companies, because of the importance of that. (*Interjection by Hon. P R Caruana*) That has been made very clear to the people, who we have said, 'Let's stop the judicial review, let's do this exercise', but even then, it is *ad referenda* the cruise companies and the insurance companies, which are more or less assessing the same level of acceptable risk, which I think may lead to this never being able to be done in that place, given the present configuration of the Western Arm.

2910

**Gibraltar Identity and Civilian Registration Cards
Erroneous charges for renewal/changes**

2915

Clerk: Question 485, the Hon. P R Caruana.

2920

Hon. P R Caruana: Mr Speaker, can the Chief Minister explain the nature and circumstances of the error that led to people being charged for renewal of, and changes to, Gibraltar Identity and Civilian Registration Cards – and which, I might have added in the question, they then reversed?

Clerk: Answer, the Hon. the Chief Minister.

2925

Hon. Chief Minister (Hon. F R Picardo): Well, Mr Speaker, whilst revising the internal process for issuing Identity Cards and Civilian Registration Cards, with a view to maximising efficiency and cost-effectiveness, the Civil Status and Registration Officer decided to issue all cards with a validity of ten years and five years respectively, including those requiring renewal and the change of particulars, and charge the statutory fee of £5 to everyone with effect from 2nd April 2012. This was erroneously implemented without reference to the Government who, upon hearing of this, immediately issued instructions to rectify the situation.

2930

On 10th April 2012, the practice was discontinued and the Civil Status and Registration Office issued a public apology. Those concerned were contacted in order to refund the monies.

2935

Hon. P R Caruana: Well, now, you see, Mr Speaker, that is what happens when you decide to let the Civil Service run the country, as a manifesto commitment!

2940

Hon. Chief Minister: Well, Mr Speaker, it is right that they should run the administration, (*Interjection by Hon. P R Caruana*) but in the context of what it is that the administration is – in other words, give effect to the policy of the Government.

In relation to charging, I think he will agree with me, that charging citizens for things is not an issue of administration; it is actually a political issue, which requires a decision to be taken by this House because we are going to spend a long time debating the Book, (*Interjection by Hon. P R Caruana*) and for good reason.

2945

Procedural

2950

Hon. Chief Minister: Mr Speaker I now move that the House adjourn to Friday, 18th May at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 18th May 2012 at 3.30 p.m.

2955

I now put the question, which is that this House do now adjourn to Friday, 18th May 2012 at 3.30 p.m.

Those in favour; (**Members:** Aye.) those against. Passed.

This House will now adjourn until Friday, 18th May 2012 at 3.30 p.m.

The House adjourned at 7.20 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 6.50 p.m.

Gibraltar, Friday, 18th May 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 continued

Clerk: Sitting of Parliament, Friday 18th May, answers to Oral Questions continue.

HEALTH AND ENVIRONMENT

**Debilitating diseases
Sufferers by age band**

Clerk: Question 399, the Hon. J J Netto.

5 **Hon. J J Netto:** Mr Speaker, can the Government state how many persons there are with a debilitating disease, either occupying a bed in St Bernard's Hospital, the Care Agency, in the community, or in the UK, specifying their medical condition (albeit on a confidential basis), broken down by age bands of those under 17 years, between 17 and 59, and over?

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

Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the following table – I will read it out but, for ease of reference, I have made copies – shows the breakdown of persons suffering from a debilitating disease on the basis of the information available on 16th May 2012:

15 Beds in St Bernard's Hospital: under 17, 1; 17 to 59, 8; over 59, 67; total 76.

Beds in Care Agency residential: under 17, 3; 17 to 59, 2; over 59, 201; total 206.

Community: under 17, 4; 17 to 59, 19; over 59, 211; total 234.

In the UK: 17 to 59, 2.

20 Just as an aside from the prepared answer – I am going to list the diseases – but it has not been possible in the time available to provide a breakdown of medical conditions because of the large number of medical records that would have had to be examined, and that would have taken... The process has been started, but it is rather complicated.

25 However, in order to assist you, I am going to read out the list of illnesses that are included in this breakdown, which are: frailty, Alzheimer's/dementia, arthritis, stroke, cardiac failure, chronic lung disease, complications of diabetes, cancer, long-term congenital illness, Parkinson's, osteoporosis, epilepsy, mental health problems, severe arthritis, cerebral palsy, multiple sclerosis, motor neurone disease, Huntington's Chorea, acquired brain injury, amputees, Menière's disease, chronic renal failure, chronic obstructive pulmonary disease, Paget's disease, hypothyroidism, liver disease, hearing impairment, visual impairment and muscular dystrophy.

30 In some cases, particular patients may have more than one of those, which adds to the difficulty of doing a breakdown by disease, but certainly the figures by ages are given in the table.

Hon. J J Netto: Mr Speaker, I am grateful to the hon. Member for the amount of information he has supplied there.

35 I wonder whether I can ask a supplementary question in relation to the 19 – in the table he has just shown me, in the column of people between the age of 17 and 59 – 19 in the community. I just wonder whether the Hon. Minister for Health or his colleague, the Hon. Mrs Sacramento, would know whether those 19 may have a mild form of illness or an acute form of illness. I know that perhaps she may not have the information readily available, but whether the Care Agency might have it within their own records, or not, because we are dealing with people who are in the community, as opposed to being in specific care, either by the Health Authority or the Care Agency, and I just want to know whether it is possible to gauge whether it is a mild form or an acute form in that regard.

45 **Hon. Dr J E Cortes:** Mr Speaker, I believe it is a range of conditions, but I cannot give you that answer now. However, with 19 it is easier to find the information than with 500, so perhaps if you ask separately we may be able to obtain it for you.

50 **Hon. J J Netto:** Fine. Obviously, it was not anticipated that I was going to ask that question. Perhaps if I had asked the question in the original form, the information would have been there. Perhaps if I write to... I do not know whether to write to the hon. Lady or to the Minister for Health. The hon. Lady might be able to provide that information?

I am obliged, Mr Speaker.

55 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does the Government have any plans to provide a sheltered and supported residential unit for the 17 to 59-year-olds who are not catered for by the psychiatric hospital or the Care Agency facilities that exist at present?

60 **Hon. Miss S J Sacramento:** Mr Speaker, they would be ordinarily catered for by way of domiciliary care. There has, as far as I am aware, been no indication by any of the people in the community that they have expressed a need for any alternative provision of care, Mr Speaker; but again, if it were, then that would be considered at that juncture.

65 **Hon. Dr J E Cortes:** If I may add, Mr Speaker, the new mental home will have an adolescent unit which would cover youngsters with mental illnesses, so that partly would cover that gap.

70 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if I could be a little bit more specific perhaps: debilitating diseases such as MS, MND – the neurological diseases that are debilitating and perhaps require more than just domiciliary care.

75 **Hon. Miss S J Sacramento:** Mr Speaker, so far there is no evidence that people suffering from very severe debilitating diseases will require more than domiciliary care. In fact, Mr Speaker, the requests that we have had from people who are suffering from quite severe debilitating diseases is that they would much rather remain at home for the time that they have left.

EQUALITY AND SOCIAL SERVICES

80 **EU Directive 2010/18/EU
Scheme for transposition**

Clerk: Question 400, the Hon. J J Netto.

85 **Hon. J J Netto:** If you will just give me a second; I am getting a note here.

90 Mr Speaker, can the Minister for Social Services state when will the Government be in a position to implement EU Directive 2010/18/EU, which implements the revised Framework Agreement on Parental Leave, and could the Hon. Minister provide a brief outline of the Government scheme for the transposition of the said Directive?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

95 **Minister for Equality and Social Services (Hon. S J Sacramento):** Mr Speaker, the transposition date for the Directive is 8th March 2013 – and I note that there is a typo in the written answer.

In accordance with Article 3(2) of Directive 2010/18/EU, the UK requested that the Commission provide an additional period of a year to comply with the Directive and the Government plans to transpose the Directive by 8th March 2013.

100 **Hon. J J Netto:** Mr Speaker, I am grateful for that and for the fact that the Government is working towards the date of implementation of 8th March 2013.

105 In continuation, I think part of my question perhaps, sir, has not been answered, and that is whether the Government, in the manner in which it would wish to try and transpose this particular Directive, has given any thought as to how the general scheme would work? Is she in a position to be able to give Parliament, perhaps, a very brief general outline of how the Government intends to transpose the Directive?

Hon. Miss S J Sacramento: Not at this stage, Mr Speaker – the transposition date is almost a year away.

110 **Hon. J J Netto:** Mr Speaker, presumably, given that we are talking about having parental leave being applied throughout Gibraltar – which obviously means the private sector, because obviously civil servants in Government Departments do have parental leave – one of the things that may be of concern to employers in Gibraltar, particularly in the private sector, given that many employers only have very few numbers of employees, is whether the parental leave, once the Directive is transposed into Gibraltar, is going to be a financial burden for employers in the private sector.

115 I say this because when we transposed the maternity directive into Gibraltar, we – the GSD, when we were
in Government – took the view that the Government would pay for this in order not to create a financial
burden on employers in the private sector. So the reason why I am asking this – and I have to translate this
120 into a question – is whether, by the time the Government wishes to transpose this particular Directive, will
consideration be given as to whether the Government will be the one actually paying for the paternity leave,
as opposed to employers in the private sector, which is a kind of analogy with the way we did it in relation to
maternity leave.

Hon. Miss S J Sacramento: Mr Speaker, consideration will be given as to how best to transpose the
requirements of the Directive. It is still early days.

125 **Hon. J J Netto:** Has the hon. Lady – perhaps in conjunction with the Minister for Employment, because
this will have a crossover with employment matters – started a process of discussions with the Employers’
Association, the Chamber of Commerce, the Federation of Small Businesses because, no doubt, they will
have views on these matters; and if they have not started the process, do they intend to start one?

130 **Hon. J J Bossano:** Mr Speaker, I imagine that the people in the Chamber of Commerce know that this is a
requirement of the EU that has to be transposed. We have had no indication that they consider it a burden. It
does not seem to me a very wise thing to do to go telling them, ‘Is it a burden and would you like me to give
135 you some money?’ because I can imagine what the answer is going to be. I would expect them to take the first
move if they had a problem.

World Health Organisation Report on Dementia Plan for implementation

140 **Clerk:** Question 401, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the Government press release with regard to dementia – that is press
145 release 241/2012 – will the Minister for Social Services state which aspects of the World Health Organisation
Report has the Government introduced already, which ones are envisaged that they will implement in due
course and which ones, if any, they think they will not be in a position to implement at all?

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

150 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the WHO Report
concludes with a list of key messages, among which is that dementia needs to be recognised as a public health
priority.

This Government has, in the short period in which it has been in office, already made dementia a priority.
155 An inter-ministerial committee for the elderly has been formed and the GHA and Social Services have been
working closely together on developing various strategies and strategy groups to deal with dementia. The
working groups are collecting data and studying the impact of dementia locally in order to be able to put in a
national dementia plan in place so that we can look to improve the lives of people with dementia. People can
live for many years after the onset of dementia and this Government wants to enable them to have a good
quality of life.

160 The Report also recommended improving the understanding of dementia. Government is in the process of
formulating an awareness campaign.

The Report further recommends that caregivers be involved in formulating policies. This Government has
involved the Alzheimer’s and Dementia Society and both the GHA and the Care Agency have met with its
caretaker committee on a number of occasions.

165 The Report also recommends that dementia be included in the public health agenda – it certainly is now.

Hon. J J Netto: Mr Speaker, with respect, the hon. Lady seems to be saying, ‘Well, we have had the
World Health Organisation Report and, as a result of this Report, with regard to Alzheimer’s and dementia we

170 have got a committee organised and we are going to work towards the objective.'

This is what the hon. Lady seems to be saying and they are bringing the association which represents the interests of Alzheimer's and dementia patients into the fore, but my question is prompted by the fact that, in their press release – perhaps the Minister for Health might be able to come in here because it has got the logo of the GHA – it says in the fifth paragraph:

175 'The Committee has considered the WHO Report and is pleased that in the short period in which it has been in office it has already put in motion a lot of the matters which the Report highlights...'

180 My question is intended to try and find out which are the things that the... between the Care Agency and the Health Authority have already done, given what they have said in the press release, what is in the pipeline that obviously needs doing, which they are working towards, which is basically what the hon. Lady seems to be saying now, and the thing that, for some good reasons, they might not be able to do.

185 So therefore can the hon. Lady, or perhaps her colleague to her right, be able to tell us or indicate to me which are the things that are already ticked, have been done, which are the things they are working on and which are the things that cannot be done?

Hon. Miss S J Sacramento: Mr Speaker, I think that the answer has been very clearly given.

190 I wonder whether the hon. Member has actually read the WHO Report and the recommendations of the WHO Report. Had the hon. Member read the recommendations of the WHO Report, then he would have realised that I have actually gone through the checklist of the recommendations.

Hon. J J Netto: Mr Speaker, regardless of whether I have read the Report or not, can the hon. Lady in Parliament state the things that they have done already with the WHO Report?

195 **Hon. Miss S J Sacramento:** The question is how this Government has dealt with the recommendations of the WHO Report. Mr Speaker, I have been through the WHO Report and I have listed the things that this Government has done.

200 **Hon. D A Feetham:** Mr Speaker, with respect to the hon. Lady – and I do not want to get embroiled with any controversy so early in the afternoon! – but the question, with respect, goes further than that.

The question is not only as the hon. Lady has rightly just pointed out, but then it says 'and the ones which, if any, they think they will not be in a position to implement'. Now, I do not think that she has actually dealt with that aspect of the question.

205 If the answer is 'No, no, we are going to be implementing the entirety of the Report', then fine, that is the answer. But if the answer is 'some of those'... well, with respect, you have not answered the entirety of the question.

210 **Hon. Miss S J Sacramento:** With respect to the hon. Member opposite, I would suggest that he may look at the WHO Report and he will see that the WHO Report does not actually have recommendations as such. What it has is key messages. Basically, it is a running theme of things that need to be done. Now, as such, there is nothing in the messages where we can categorically say, 'No we cannot do that', or 'No, we will not do that', because all it is is general guidelines that countries need to follow.

215 To cut a long story short, then, at the moment we do not envisage that there is anything that we *cannot* do. We do not intend *not* to do anything, but to be clear, the WHO Report does not actually have a schedule of recommendations.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, when will the Government be in a position to publish the national strategy for the treatment of care of people with Alzheimer's and dementia?

220 **Hon. Dr J E Cortes:** Mr Speaker, it was a question relating to *our* Dementia Strategy. We have a working group on it. I think I may have mentioned it at the last meeting, that I think that July comes to mind, but it is certainly in months rather than any longer.

There is a working group on it. There is, I think, a fifth draft which I received just the other day, so we are on target. I think it should be sometime in the summer, but it is from memory and I would need to confirm

that.

225

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Government be ringfencing funding to provide resources and facilities for dementia care?

230

Hon. Dr J E Cortes: That is one of the considerations that may come up in the report, but I think it is early days yet.

235

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Government be providing a dedicated medical team of a consultant psychiatrist specialising in old age psychiatry, community psychiatric nurses specialising in old age psychiatry, physiotherapists, psychologists and home carers, all specialising in old age psychiatry?

Hon. Dr J E Cortes: Mr Speaker, the hon. Lady is doing it again: she is trying to dictate Government policy from the Opposition bench.

Thank you very much for those suggestions.

240

Hon. Mrs I M Ellul-Hammond: I am just referring to the wishlist of the support group that you are working closely with.

Hon. Dr J E Cortes: That is fine. Those suggestions will obviously all be borne in mind, but we have to wait for the report to be ready.

245

As I say, I only received the fifth draft a few days ago. I have not read it yet, so I am not able to answer that but, no doubt, we will bear that wishlist in mind.

Hon. Mrs I M Ellul-Hammond: Yes, no doubt Mr Speaker, I was just wondering, in the last five months that he has been working so closely together to put a strategy together, whether you have committed to the wishlist that they have asked for.

250

Mr Speaker, will the Government be investing also heavily in the training of professionals, nurses and carers specialising in dementia?

Hon. Dr J E Cortes: Mr Speaker, the Health Authority and the Care Agency have been working very closely together with the Dementia Support Group, but the Ministers themselves have not been involved in the working group. The Ministers receive the Reports, the drafts and then may be able to make comments on it, but I have not been individually and personally involved in that. Other people have been working on that, particularly clinicians.

255

But as I said before, all the components of the Society's wishlist will be considered as we develop the Dementia Strategy.

260

**Care Agency residential homes
Recordable acts of violence**

265

Clerk: Question 404, the Hon. J J Netto. Sorry, I beg your pardon – Question 402.

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. 286/2012 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 in the home or in the hospital, and for what purpose?

270

275

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there has been

280 one recordable incident of violence in the Care Agency residential homes since the question was asked in 286/2012.

The incident took place on 16th March 2012. It was between two looked-after children. No medical attention was required.

285

**Care Agency looked-after children
Number absconding to Spain; review of Care Plan**

290 **Clerk:** Question 403, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if any of the looked-after children in the care of the Care Agency who absconded, as provided in answer to Question No. 286/2012, had absconded in Spain, and in relation to the one child who had absconded 16 times, how many times, if at all, had the Care Plan for this child been reviewed and changed to reflect this constant situation?

295

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, Question 286/2012 was in relation to recordable acts of violence. I am assuming that the hon. Member is referring to Question 287/2012.

300

Hon. J J Netto: Sorry, which number?

Hon. Miss S J Sacramento: No. 287.

305

With reference to Question 287/2012, the Care Agency has no knowledge of any absconding taking place in Spain.

In relation to the child who absconded 16 times, the Care Plan changed for this child on numerous occasions, each time to reflect their current situation.

310

In addition to this, the Residential Plan was updated on a monthly basis, to outline tasks that Agencies were required to complete. This also filtered into the child's Daily Plan, which was reviewed each day by a member of management to risk assess the current situation and make any necessary arrangements.

The Plan around this child is under constant assessment, remains robust with continued working together, and the last incident for absconding for this child was 13th February 2012, and has not absconded since.

315

**Care Agency looked-after children
Number absconding; track record of violence**

320 **Clerk:** Question 404, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any looked-after children in the care of the Care Agency in any of their residential homes who have absconded since this question was asked in Question No. 287/2012 and, if so, could the information be provided on a monthly basis and stating how long the absconding lasted, whether the absconding was in Gibraltar or Spain, and whether any of these children have a track record of engaging in acts of violence against any other looked-after children or staff members?

325

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

330

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there have been six incidents involving three looked-after children who absconded since the question was asked in 287/2012.

One of these looked-after children has a track record of engaging in acts of violence against other looked-

335 after children and staff.
I will now hand the hon. Member the requested information.

ANSWER TO QUESTION 404 OF 2012

Date	Length of time absconded	Was the absconding in Gibraltar or Spain?	Does the LAC have a track record of engaging in acts of violence against other LAC or Staff?
21/03/12	11 hours 30 minutes	Gibraltar	No
20/03/2012	7 hours 45 minutes	Gibraltar	Yes
21/03/12	11 hours 30 Minutes	Gibraltar	No
13/04/2012	17 hours 45 minutes	Gibraltar	Yes
28/04/12	7 hours 5 minutes	Gibraltar	No
29/04/2012	8 hours 10 minutes	Gibraltar	No

340 In addition to the looked-after children, a 17-year-old from the Republic of Guinea was charged for being in Gibraltar without proper documentation. He was bailed by the Magistrates' Court to the care of Social Services on 26th March 2012. In keeping with good practice, Social Services held a LAC review and he absconded from care on 14th April 2012, and his whereabouts are unknown.

It is thought that he is not in Gibraltar, and the Royal Gibraltar Police and Spanish authorities were notified.

345 **Hon. J J Netto:** I am grateful for that, Mr Speaker, but could I ask the hon. Lady in relation to this one particular looked-after child who seems to be part of the group of six who are always absconding, but has also had some act of violence in relation to some other people, is in relation to this particular child a case where perhaps there is a greater need of more effort being placed in relation to the needs of this particular child, either by some specialised professional bodies, or is it perhaps as well a question that the ratio of people working for the particular child needs to be increased as a result of that?

350 **Hon. Miss S J Sacramento:** Mr Speaker, as I mentioned in answer to the previous question, the Care Plans and Daily Plans are reviewed constantly on a daily basis, on a weekly basis and on a monthly basis. As a result of that, staffing issues are taken into account and staffing levels are increased where necessary and where appropriate.

355 **Hon. J J Netto:** Mr Speaker, I accept that the Care Plans will be reviewed, sometimes even on a daily basis, if not a weekly basis, but what I am asking is, in relation to this particular child, where there seems to be a bit of a history in the sense of absconding and in relation to acts of violence, does the Care Agency feel that this particular child is in need of perhaps greater specialised professional services to tackle some underlying issue that there is within the child?

360 **Hon. Miss S J Sacramento:** Mr Speaker, I am loath once again to engage in details of particular children. Having said that, I do not think that the hon. Member has understood the answer to the question, because there have been six incidents involving three looked-after children. None of these three looked-after children

365 are the child who used to continually abscond. As I said in the answer to the previous question, that child has not absconded since February, so we are not talking about one child who continuously absconds.
Now, in that context, I am reluctant to go into further details in relation to children in care.

370 **Care Agency residential homes**
Incidents of violence

Clerk: Question 405, the Hon. J J Netto.

375 **Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to answer the supplementary to Question No. 169/2012 which sought to know if the incidents of violence stated in the February session of Parliament are the same of those stated in the January session of Parliament?
Also, if the same is true for the figures given in the March session of Parliament?

380 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am happy to provide this information only on a confidential basis, given that the children may be identified, and I will pass this information to the hon. Member opposite on a confidential basis.

385 **Hon. J J Netto:** Mr Speaker, while the information is coming through and I have a chance to have a look at it, could the hon. Lady say why she has not answered my letter of 29th February, in which I sought to provide an answer to this information which obviously, if she had answered my letter, I would not have had the need to ask the question in the first place?

390 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and for that I have to apologise, in that my office did not provide the answer, but the answer is now provided.
What I have provided in the letter has now been provided to the hon. Member on a confidential basis.

395 **Hon. J J Netto:** Does this also apply to the other two letters which have not been answered? (**A Member:** Ooh!)

Hon. Miss S J Sacramento: Yes, Mr Speaker.
One of the others also formed part of another question in this House, which was actually subsequently withdrawn. So I am assuming that the hon. Member no longer requests a reply. (*Interjections*)

405 **Looked-after children**
Training programmes

Clerk: Question 406, the Hon. J J Netto.

410 **Hon. J J Netto:** Mr Speaker, is the Minister for Social Services now in a position to state if the six looked-after children referred to in Question No. 171/2012 are now being provided with training programmes; and, if so, what will the training consist of, what was the start date in which the training began, and who will be providing such training?

415 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, with regard to the six looked-after children referred to in Question 171/2012, one of them has now been employed through ETCL. The placement commenced on 7th May 2012, details of which I am providing to the Opposition on a

420 confidential basis. The other looked-after children remain unemployed and are being assisted in finding other employment.

Hon. J J Netto: Mr Speaker, in trying to get the mathematics correct, I think we were dealing originally with a figure of six, one of which went to the UK, so we have got a remainder of five, of which one of them...
425 Ah, the one in the UK has come back. So, okay, we have got six, out of which one is in some kind of training or employment prospect, which means that we have five who have not been placed in any form of training or employment.

When I first asked this question, way back in January at the commencement of this year, the answer in a supplementary that the Minister for Employment said that at the time there had been confusion between officials of the Care Agency and officials of the Employment Service in passing the paperwork, so to speak,
430 in relation to these five children; hence the reason why the five had not been allocated a training place.

The fact remains that, as a result then of that lack of communication between officials of both Departments, we have five children who are in the care of the Care Agency who are not being provided with any form of training or at least employment training – there could be another form of training, of course – but at least no employment training and no job prospect.

435 It does not look well on the basis of the Care Agency, given that we are talking about looked-after children in the care of the Care Agency for which it does not seem that a lot of priority has been given to try and find a suitable place for the children. What is being done by the Care Agency and the Employment Services in order to deal with this situation?

440 **Hon. Miss S J Sacramento:** Mr Speaker, again, I am loath to go into detail in relation to looked-after children. There is a pathway that has been established (*Interjection*) –

A Member: It is not political. It is not a political question.

445 **Hon. Miss S J Sacramento:** There has been a pathway (*Interjection*) that has been established between Social Services and ETB and the ETCL. What we cannot do is force children to accept jobs that are available, which they may not at the time wish to take, but I can tell the hon. Member opposite that he can rest assured that everything that can be done for these children is being done and I am sure that he can congratulate the work of both Social Services and the ETB, in that they have now secured a placement for at least one of them.
450 (*Applause*)

Hon. J J Netto: I will certainly not congratulate either the Care Agency or the Employment Services on the fact that here we are, five months later, and out of a group of six looked-after children in the care of the Care Agency only one has been placed with an employment opportunity. That is a very bad record, not a very good record to congratulate the Government.

455 The Care Agency has a responsibility – it has parental responsibility – for these five children. It is not good enough to say, ‘We are doing excellent work. We have an excellent relationship with the staff in Employment Services.’ It is *your* responsibility to find places for these particular five children. So I hope that when the next month comes she is in a position to say that these five children, who have been outstanding for a place since January, will be able to be in one particular employment programme.

Hon. Miss S J Sacramento: Mr Speaker, perhaps the hon. Member might wish to refresh his memory and recall that these children did not work when they were under the care of the previous Government.
465 (*Interjections*)

And, Mr Speaker, once again, (*Interjections*) I am loath – (*Interjections*)

Mr Speaker: Order! Order!

470 **Hon. J J Netto:** Point of order, Mr Speaker.

Hon. Miss S J Sacramento: – when these children can be easily identified, Mr Speaker – (*Interjections*)

Mr Speaker: A point of order has been raised. I will allow the hon. Member to respond. A point of order.

475 **Hon. J J Netto:** I have not asked the hon. Lady over there what happened in the period when I was the Minister. I have been asking the hon. Lady since January this year what has happened with six looked-after children in the care of the Care Agency, for whom I am trying to find out when they are going to be in an employment programme. Can she put the time and the effort in dealing with that aspect and not spend her time (*Interjection*) in looking back to what happened four years ago?

480 **Mr Speaker:** I have heard the point of order. Where there is expressed or implicit in a question criticism of the administration for any act or omission on its part, it is not out of order for the administration to hold up the questioner's record and say, 'Compare that.' It is not out of order.
The Hon. the Minister.

485 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and I only limited it to the hon. Member's track record on employing looked-after children. I did not go into the Hon. Minister's track record of Social Services. (*Applause*)

490

**Care Agency Board
Meeting on 28th March 2012**

495 **Clerk:** Question 408, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the Care Agency Board did meet on 28th March 2012 and, if so, what issues did it discuss, and if consideration has been given to having the possibility of open meetings in the future?

500

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Care Agency Board was unable to meet on 28th March 2012, as planned, due to unavailability of members. A meeting of the Board took place on 24th April 2012 instead.

505

As promised in the last Parliament in answer to Question 289/2012, it was put to the Board whether meetings should be held in public or that the minutes of the meeting be made public and the Board resolved unanimously that it should not.

510

Hon. J J Netto: Not to be public? Sorry, I am not quite clear.

Hon. Miss S J Sacramento: That it should be not either be held in public or the minutes be made public. Clearly, the hon. Member will recall, and if not, we can refer to *Hansard* where the Opposition, when this question was asked the last time, did say that there would be no criticism from the Opposition benches if the answer was no.

515

Hon. J J Netto: Mr Speaker, I do not recall saying that, but what I do recall is that, in supplementary questions, the Hon. Minister for Justice, Mr Licudi, who is not in the Chamber now, stood up and he actually said he would certainly look into the matter and he actually went as far as saying that one of the things that had to be considered was that, from time to time, in the agenda of the Board there may be issues with a particular child, which obviously the members of the Board and the Care Agency would not want to put in the public domain.

520

As I see it, normally the Care Agency has another particular Committee, which is a multi-agency Committee, which is a Child Protection Committee, which normally determines and looks into the minutiae of individual cases. So it is not really the Care Agency Board which normally deals with that kind of information. I could understand the logic of the hon. Lady that she would not want to put in the public domain information about a particular looked-after child.

525

I am just failing to understand the reason behind the decision that the hon. Lady has just given. Perhaps she might wish to elaborate, given the fact that sensitive information with regard to children normally is not

530 discussed in the Care Agency Board, but rather in the Child Protection Committee. What is the reason, then, for not allowing the meetings of the Board to be public? Could she perhaps elaborate there?

Hon. Miss S J Sacramento: Mr Speaker, first of all I think we need to clarify that it was not my decision, it was a decision of the Board, which is something that I said in answer to the question at the last Parliament, that I would take it to the Board and it would be the Board who would take the decision. The Board resolved not to hold meetings in public or to make the minutes public, unanimously.

I have a copy of *Hansard* from the last occasion, from which I am happy to read out the extract which relates to the Hon. Mr Feetham, where he says:

540 ‘...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.’

If it is of any comfort to the hon. Gentleman, this matter, when it was discussed in the Board, the Board did resolve that certain matters would be made public if the Board felt that it should be made public.

545 If the hon. Member feels so strongly that the Care Agency Board minutes should be made public, then perhaps he would agree to the Board minutes of the last 15 years being made public.

Hon. J J Netto: Mr Speaker, I have not imputed in any form or shape that it is *her* decision. I take in good faith the fact that it is a decision of the Board. All I am trying to do in my supplementary question is to understand the reasons why the Board, not she, has come to that conclusion. That is all I am trying to understand, and I am trying to understand that from the point of view that if she were to say to me, ‘Well, look, I am afraid the Board has thought that we cannot make the meetings public because they are discussing, every time they have a meeting, detailed amounts of information of a particular child,’ I can understand that. I can accept that she will not want to put that information in the public domain. But given the fact that the amount of detailed information is not discussed normally in the Care Agency Board, but rather in the Child Protection Committee, which is a meeting of professionals, a multi-agency... it covers the Police, the Care Agency, the Health Authority, Education. I am not asking that the Child Protection Committee should be made public. All I am saying is I just want to understand the decision of the Board – why she thinks, or they think rather, that it should not be made public. That is all I am trying to find out, if she can give an explanation.

Hon. Miss S J Sacramento: Mr Speaker: (1) the Opposition is now taking a position which is completely contrary to the position it took on the last occasion; (2) Mr Speaker, I am not at liberty to give the reasoning of the Board because the Board has resolved that it is in private – therefore the reasoning behind the decision is a private decision and I am not at liberty to disclose that; and (3) it is ironic that the hon. Member recognises that the Child Protection Committee is one which should be afforded privacy, given the sensitive matters that it discusses, yet he asks me for what was discussed at the Child Protection Committee as well.

570

**Care Agency
Changes to contract staff contracts**

Clerk: Question 409, the Hon. J J Netto.

575 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the Care Agency has been changing the terms of contract to contract staff members and reducing such contracts to 11 months; and, if so, could the Minister state how many staff members are affected by this measure, broken down by grade and location?

580 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, no existing contracts have been changed and no contracts have been reduced to 11 months.

585 **Hon. D A Feetham:** What about contracts in terms of future contracts, future recruitments?
Has the Government taken a policy decision to engage people in 11-month contracts?

Hon. J J Bossano: Mr Speaker, there were quite a number of contracts in the Care Agency and in other places registered with the ETB which were 46-week contracts, entered into prior to 8th December. Those contracts, when they expire, are being renewed for a period of months which is no longer than the original one, and any new ones are being made for periods of 46 weeks.

595 **Hon. Miss S J Sacramento:** To be helpful, I think that, under the previous Government, something in the region of 80 contracts were given for an 11-month period. It is not new contracts given by this Government; it was actually a matter of policy of the Care Agency under the previous administration.

Hon. D A Feetham: Yes, my understanding was that they were... My understanding was not the 11-month contracts, but 12 months' probationary agreements.

600 May I finish, sir? I know that the hon. Lady is keen to answer the question, but perhaps she ought to listen to the question first. They were, effectively, probationary contracts. Whether they were 11 or 12 months, are we talking here of 11-month probationary contracts, or are we talking about fixed-term contracts?

Hon. J J Bossano: Fixed term.

605 **Hon. D A Feetham:** Fixed term, 11 months.
Thank you.

Hon. Miss S J Sacramento: Yes, to clarify, the practice, which was the practice employed by the previous administration, was to issue people with initial fixed-term contracts of 46 weeks and they were then renewed with probationary contracts *after* the 46-week period.

610 I hope that clarifies the answer.

Hon. D A Feetham: Yes, there was a question yesterday... With the indulgence of the Speaker... If they do not want to answer, they do not have to, but there was a question yesterday asked by my hon. Friend, Mrs Ellul-Hammond, about 10-month contracts in relation to the Health Service: Health Service visitor level 1 nurse, junior occupational health therapist, and a physiotherapist senior 2. Are we seeing... I am just trying to get to whether there is a policy decision behind these contracts, and I think the hon. Gentleman said the reason for that was that they were only required for 10 months. Is that also part of this policy of granting people 10-month or 11-month fixed-term contracts, or not?

620 **Hon. J J Bossano:** Mr Speaker, the previous administration, on more than one occasion in this House, in answer to my questions told me that when vacancies arose and they took people from outside, they normally tried to time the contracts so that the people who came out of the school or the people who were training in the United Kingdom would then find vacancies here when they got back.

625 The position is that there are a lot of people in the system who came in on that basis, and certainly we are continuing with the policy that, when we have no choice but to bring in people from outside, we bring them in with the intention that they should not remain permanently and block the returning... We have got about 200 graduates coming back this year, and then we have got all the ladies and young men that he has asked me about before, who are in the school, where we had a problem that they are doing a degree for the UK and, in some instances, the UK had a problem with them being employed by the employment company and getting a wage. So there are all those people in the pipeline whom we want to retain, and clearly the timing of the contracts was something to do with that, but it is a policy that was announced a long time ago and which we are still continuing with.

630 **Hon. J J Netto:** Could I ask the hon. Lady, the Minister for the Care Agency, whether she has had representation from Unite the Union in relation to people who may have been on a three-year contract, whose contract has been unilaterally changed by the Care Agency to 11 months, and Unite the Union is concerned as a result of that?

640 **Hon. Miss S J Sacramento:** Mr Speaker, the answer is no, because no-one who was on a contract for three years has had their contract unilaterally changed for 11 months. I do not see how I could have had representation on something that I can categorically state has not happened.

645 **Hon. D A Feetham:** Have there been no representations at all from Unite about this policy of giving people 11-month contracts, and no meetings have been arranged with Unite in order to discuss this particular policy at all?

650 **Hon. J J Bossano:** Mr Speaker, I understand that some of the people who were there had expectations of being made permanent and pensionable, and those people, I believe, have had meetings with their union, but that is not something that I would deal with, because I am only looking at the labour market point of view, not the industrial relations side.

I do not want anything to do with it.

655

**Care Agency care workers
GCSE qualifications**

Clerk: Question 410, the Hon. J J Netto.

660

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if the previous requirement for applications for the post of care worker to have at least two GCSEs has now been dropped and, if so, do we have new entrants to the Care Agency as care workers who have been employed and do not have two GCSEs?

665

Clerk: Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the policy for admission to the post of care worker has not been changed. Therefore, the two GCSE requisite has not been dropped.

670

HOUSING AND THE ELDERLY

**Government housing waiting lists
Allocation of homes since 9th December 2011**

675

Clerk: Question 411, the Hon. E J Reyes.

680

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many of the 962 applicants on the Government's housing waiting lists as at 9th December 2011 have since that date been allocated a flat, giving a breakdown of the size of home and indicating which housing category type they pertained?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

685

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested. However, as it makes its way round to the other side, I can give you the totals, which I think would be helpful.

The total of post-War homes is 90 and pre-War 9, so that gives us a total of 99 Government flats that have been allocated since 9th December to people who were actually on the list on 9th December.

690

ANSWER TO QUESTION 411

A total of 99 of the 962 applicants on the Government's Housing Waiting Lists as at 9th December 2011, have been allocated a flat, as follows:

	Post-War	Pre-war
1RKB	2	
2RKB	13	2
3RKB	43	4
4RKB	29	2
5RKB	3	-
6RKB	-	1
TOTAL	90	9

695 **Hon. E J Reyes:** Yes, Mr Speaker, but perhaps my wording was not entirely clear. I have got here the size of the home and so on, but when I said which housing category type, I thought the Hon. Minister might understand from there, were they as a result of coming up through the normal housing list and it was their turn, or were these people who entered through another list, such as on medical grounds or social grounds or whatever. That is what I meant by the category type.

700 **Hon. C A Bruzon:** Yes, I understand you now, Mr Speaker, but I just thought you meant the room compositions.

705 **Hon. E J Reyes:** Well, Mr Speaker, given that I have now clarified and the Hon. Minister seems to understand what I mean by 'category type', rather than having to wait a full month or whatever, could the Hon. Minister just simply try and locate that information when he goes back to his ministry, perhaps on Monday, and forward it to me, and deposit a copy as well in Parliament, rather than making me wait for a whole month for this information?

I am sorry I was not entirely clear, but I think Mr Speaker might accept that I did give due notice.

710 **Hon. C A Bruzon:** I would be happy to do that, but I would request the shadow Minister to write to my office, please.

Hon. E J Reyes: Mr Speaker, that is exactly what I am trying to avoid. I have posed a question. I do not wish to enter now into further delays by having to write and so on. I think the question has been posed.

715 I accept the genuine, frank reason that the Minister did not quite understand what I meant, but now that he seems to be understanding, I do not think there is a need for me to put anything further in writing, sir.

Hon. C A Bruzon: Could you then, kindly, for the sake of clarity, tell me exactly what you require, and I will make a note straightaway?

720 **Hon. E J Reyes:** Yes, Mr Speaker. What I meant by 'housing category type' is whether they came from the medical housing category list, the social category list, or whatever nomenclature he may give to the list.

725 **Mr Speaker:** I must say the question, as posed, 'housing category', may be understood by the hon. Member, but it is pretty wide and it is not quite a... I cannot really hold the Minister to blame that he did not quite follow the question, but –

Hon. E J Reyes: No, I know, Mr Speaker.

Mr Speaker: – if there is a measure of agreement between the two, far be it for me to upset that.

730 **Hon. E J Reyes:** Perhaps reading very old *Hansards* as well, when the Hon. Minister was sat on this

particular seat where I sit today, he did refer at times to category types, so I thought he might have interpreted it the same way that he used to when he sat on this side of the House.

735 **Mr Speaker:** But there is a measure of agreement between the two, so I need not add anything to that.

**Government housing waiting lists
Reduction in numbers due to house purchase**

740

Clerk: Question 412, the Hon. E J Reyes.

745

Hon. E J Reyes: Can the Minister for Housing state how many of the 962 applicants on the Government's housing waiting lists as at 9th December 2011 have since that date been removed from the waiting lists due to purchasing their own homes?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

750

Minister for Housing and the Elderly (Hon. C A Bruzon): Nineteen applicants have been removed from the lists.

**Government housing waiting lists
Allocation of housing to those registered after 9th December 2011**

755

Clerk: Question 413, the Hon. E J Reyes.

760

Hon. E J Reyes: Can the Minister for Housing state how many homes have been allocated to applicants who registered for housing after 9th December 2011, giving a breakdown of the size of home allocated, broken down into the categories of both pre-War and post-War housing stocks and indicating whether they were assigned on the advice of the Housing Allocation Committee or for any other reasons?

765

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, four homes have been allocated to applicants who registered for housing after 9th December 2011. All flats were post-War flats. All of them were allocated by the Housing Authority, in accordance with established procedures.

770

Hon. E J Reyes: Yes, Mr Speaker, the Hon. Minister did clarify to me last time round that he was the Housing Authority.

775

What I am trying to get at is were they given by the Housing Authority, namely himself, on the advice of the Housing Allocation Committee, or, like last time, he happened to just inform the Housing Allocation Committee later that he had approved certain... because someone was handing in a flat and getting another one. What I am trying to get at, really, Mr Speaker, is whether, pre-allocation, the Housing Allocation Committee have been involved in the process, or not.

780

Hon. C A Bruzon: Mr Speaker, the reason why I have re-phrased my answers in the way I have done today is because I was the creator, if you like, of the question, which I used to ask the Government. The reality is that the Housing Allocation Committee does, indeed, advise the Housing Authority, but mainly in matters concerning who should go on the medical lists, who should be socially categorised, how many discretionary points should we give to a particular applicant.

785

Therefore, the Housing Allocation Authority does not sit down with me in my office every time we get keys brought from the Housing Agency. We look at the system, we look at the lists, and then whoever's turn it is to get the home gets it, and I sign them all.

Hon. E J Reyes: Yes, Mr Speaker, I am grateful for that, which he had already clarified in the March session, and he has, for the sake of clarity, repeated again, but my question was not *allocated* by the Housing Allocation Committee, but *assigned on the advice*.

790 What I would repeat – perhaps the Hon. Minister might now understand – is were these applications first viewed by the Housing Allocation Committee, who said, ‘Right, put them on the medical list, or whatever, with this type of priority,’ and then when their turn came they got it; or was it, for some other reason, that they were not necessarily involved prior to allocation, the Housing Allocation Committee advising or guiding the hon. Member how he should allocate?

795 **Hon. C A Bruzon:** I really do not know what to add to my previous answer, except to explain to the hon. Member that, whereas many, many years ago it was the Housing Allocation Committee who actually allocated the two or three houses a month that were available, now in fact what happens is we have the Housing Allocation Committee, who are the custodians of the scheme and therefore they are used and their services are very much appreciated. They help the Housing Authority to put the actual scheme into practice.

800 But, as I say, we, the Housing Authority and the Minister, that Housing Authority allocates every single home for which we get keys given to us.

Hon. E J Reyes: I understand that part, Mr Speaker, but I am still none the wiser. The four that were they were allocated in the manner that the Minister says and so on, before that allocation, had the Housing Allocation Committee offered any advice to the Hon. Minister before that, or not?

805 That is what was given due notice in my question, whether they were assigned on the advice of the Housing Allocation Committee, and I am just asking, did they offer any advice on those four, or maybe those four had not been referred to them for advice. Whichever the answer I will accept, but one way has to be the answer.

810 **Hon. C A Bruzon:** I will do my best to give an answer, Mr Speaker, because I am not trying to hide anything.

815 The reality is that the Housing Allocation Committee does not allocate houses, even though that is what they are still called, and that is where it is misleading. It is now an advisory committee and, of course, they do help the Minister and my staff to allocate points to accept who should be medically categorised, but if what you want to ask me is did the Chief Minister or did the Minister for Housing have a special involvement in any of these, then the answer in this case would be no. The answer is still no if you ask me how many were allocated in accordance with the advice of the Allocation Committee, because they have not been advising me to allocate these homes.

820 I follow the scheme, and therefore whoever is next on the list will get the home. That is basically it, Mr Speaker.

Hon. E J Reyes: I think we may have understood it now, Mr Speaker.

825 Yes, I was not asking whether it was the Chief Minister or the Minister for Housing or whatever. What I was getting at was whether these four applications for housing, and the houses have been granted, whether through that process there had been any advice offered by the Housing Allocation Committee. I think I have interpreted that the answer is no, they were not involved in the process. I am not trying to find out who gave whatever. You are the Housing Authority, and I accept you are there, like a marriage – for better, for worse, for richer, for poorer.

830

Government housing waiting lists Applicants' requirements

835

Clerk: Question 414, the Hon. E J Reyes.

840 **Hon. E J Reyes:** Yes, Mr Speaker. Can the Minister for Housing state how many applicants are presently on the Government's housing waiting lists, giving a breakdown of their housing size requirements and in which housing category type they are registered?

Again, Mr Speaker, I do not want to create any controversy and I am willing to wait if the hon. Member is now aware of what I meant by 'housing category'. If he does not have it now, we will accept it and put on record that he will furnish me with that information when possible.

845 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, there are currently 1,638 applicants on the Government's housing waiting lists.

850 The breakdown is as follows. I will just read out the answer, even though I think I know that it will be phrased differently next time: 1RKBs – on the waiting list 791, pre-list 433; 2RKBs – waiting list 49, pre-list 42; 3RKBs – waiting list 101, pre-list 71; 4RKBs – on the waiting list 80 and on the pre-list 47; 5RKBs – on the waiting list there are nine, and 11 on the pre-list; and as far as 6RKBs are concerned – that is five-bedroom flats – there are two on the waiting list and two on the pre-list, giving us a total on the waiting list proper of 1,032 applicants, and on the pre-list we have 606.

855 **Hon. E J Reyes:** I accept that answer, Mr Speaker, and I think we do have on the record that the hon. Member will furnish me with the information, when he gets back in his office, into the housing category types.

860

**Housing pre-waiting list
Expected date of elimination**

865 **Clerk:** Question 415, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate by what date he expects the housing pre-waiting list to be eliminated?

870 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): We shall be doing this, Mr Speaker, within the current term in office.

875 **Hon. E J Reyes:** So, Mr Speaker, if my mathematics are right, it could be any time between now and the next three years and seven months?

Hon. C A Bruzon: That is correct.

880

**Government flats
Number available for reallocation since 9th December 2011**

885 **Clerk:** Question 416, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many flats in total have become empty and therefore available for reallocation since 9th December 2011?

890 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, up to 244 flats have become empty and therefore have become available for reallocation since 9th December 2011.

895

**Government flats
Number empty and awaiting repairs**

Clerk: Question 417, the Hon. E J Reyes.

900

Hon. E J Reyes: Can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of pre-War and post-War flats, flat size composition, the dates as from when these flats have been empty and the category/type of repairs required before they may be reallocated?

905

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 417

Up to 168 flats are currently empty and awaiting repairs.

Table 1 shows the number of empty flats for cleaning/refurbishment (post and pre-war) prioritised by room composition.

Table 2 highlights the number of empty flats per year and room composition. Specific dates per flat cannot be provided.

The following table provides the required breakdown:-

Table 1 - By room composition (post and pre-war)

Composition	Category Type				Total
	Refurbishment Technical Decision		Cleaning		
	Pre-War	Post-War	Pre-War	Post-War	
6RKB	2				2
5RKB	3	2			5
4RKB	16	11	1	1	29
3RKB	29	45	1	6	81
2RKB	17	15		3	35
1RKB	4	11		1	16
Sub-Total	71	86	2	11	168

Table 2 - Empty flats awaiting refurbishment/cleaning per year

	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	TOTALS
6RKB		1					1					2
5RKB		3	1								1	5
4RKB	8	12	3	4	1	1						29
3RKB	23	47	6	1		2	2					81
2RKB	8	19	4	2					2			35
1RKB	3	8	2	1						1	1	16
TOTAL	42	90	16	8	1	3	3		2	1	2	168

Clerk: Question 418...

910

Hon. J J Netto: Mr Speaker.

Clerk: The Hon. Jaime Netto.

Hon. J J Netto: Could I ask the Hon. Minister for Housing what is the average number of flats that, at the

915 moment, the Housing Works Agency is actually refurbishing within a month? Does he know? Has he got an average of what is the output in refurbishment at the moment?

Hon. C A Bruzon: I really would need notice of the question, but off the top of my head I would say that we are getting between maybe 20-25 keys returned to us every month for allocation.

920 There are, in fact, around 130 empty flats as we speak that need to be cleaned up or refurbished. The refurbishing process, of course, takes longer; the cleaning of the flats is much simpler. I would really need notice.

925 **Hon. J J Netto:** I accept the fact, obviously, that he would need notice of this particular type of question, but he mentioned that, from the top of his head, he reckoned there could be an average of about 20. I am not going to pin him down with this –

Hon. C A Bruzon: I am not 100% sure.

930 **Hon. J J Netto:** – whether it is 15, whether it is 25, whether it is 30 or not, but when he says 20, accepting that it is from the top of his head, does he mean that those keys which he is getting from the Housing Works Agency includes refurbishment works, includes perhaps flat keys for which there has been no refurbishment but it has just been a question of cleaning the flat? Does it also include keys in which there has been no refurbishment in no flat but perhaps some electrical works, because of some electrical repair that needs to be done?

935 Does he know, does it include – whatever the figure is, whether it is 20, 10 or 30 – all the different matters upon which, at the end of the day, the City Hall, the Department, gets the keys, and it combines the whole lot – the refurbishment, cleaning, electricity etc? Is that correct?

940 **Hon. C A Bruzon:** Well, today – let's give you an example – I was told that there were seven keys available and, as a matter of interest, as there was a fire alarm in the City Hall and I was doing nothing waiting in the piazza, I got one of my technical people to take me round to have a look at some of these flats. The four that I visited in Laguna Estate had been recently refurbished but, of course, it could have taken a few weeks, if not months, and the ones I saw had been refurbished in the sense that they had a new bath fitted and kitchen units according to the Government standards. So, really, I cannot give you an exact answer.

945 When we get the keys to allocate these homes, whether the flats have been six months empty because there has been refurbishment work being carried out, or whether they have been cleaned out and that has only taken three weeks, in a sense, at the end of the day, all I want is to get keys so that I can allocate homes, so I do not really know when I get the keys whether, in fact, they have been as a result of a long drawn-out refurbishment job or just because they have been cleaned out or painted.

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

955 **Hon. E J Reyes:** Yes, Mr Speaker, sir. Although I accept it and I am grateful to the hon. Member for the schedule here, in my original question there was a specific reference to the dates as from when these flats had been empty, to give us all a better picture to be able to see, if there is some type of pattern, how long it is taking to turn around the handing in of the flat and its completion.

960 The Hon. Minister, in his reply, has kindly stated that the dates had not been possible to obtain as the information was not readily available – I know he has only had one week's notice – and he concludes by saying this will be supplied as soon as possible. I would like to leave it with you, Mr Speaker, that that information will be provided without my having to table a question again here formally in Parliament, because it has been requested –

965 **Mr Speaker:** That is agreed.

Hon. E J Reyes: – and I accept, in gentleman's terms, the hon. Member's non-availability of the information to date, but his commitment is that it will be furnished to me –

Mr Speaker: That is the way it reads.

970 **Hon. E J Reyes:** – as soon as possible.

Mr Speaker: Do I have to add anything else?

975

**Government housing tenants
Tenants requiring works to properties**

Clerk: Question 418, the Hon. E J Reyes.

980 **Hon. E J Reyes:** Can the Minister for Housing state how many tenants are currently listed as requiring works to be done by Government as landlords, broken down into categories of both pre-War and post-War housing stock?

985 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 1,627 tenants are currently listed as requiring works to be done by Government as landlords, of which 256 reside in pre-War flats and 1,371 reside in post-War flats.

990 **Hon. E J Reyes:** Mr Speaker, the Hon. Minister for Housing says, if I understood him correctly, there are 1,627 tenants awaiting repairs to their flats but, of course, a tenant in a particular flat may have reported more than one particular aspect of repair, so the total number of outstanding repairs would most probably be more than 1,627. Does he have the overall figure for the total number of outstanding works that need to be carried out?

995

Hon. C A Bruzon: If I am not mistaken, there is something on the Order Paper which may provide information.

1000 **Hon. E J Reyes:** I beg your pardon.

Hon. C A Bruzon: Otherwise, I certainly would need notice of the question.

Hon. E J Reyes: I beg you pardon, Mr Speaker.

1005

**Government flats
Previously empty flats repaired and allocated**

1010 **Clerk:** Question 419, the Hon. E J Reyes.

1015 **Hon. E J Reyes:** Can the Minister for Housing state how many of the 149 empty flats awaiting repairs, as identified in answer to Question 290/2012, have now been repaired and allocated to applicants on the housing waiting lists, giving a breakdown in respect of pre-War and post-War flats and their size composition?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1020 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, a total of 14 of the 149 empty flats have now been repaired and allocated to applicants on the housing waiting list.

The following provides the repair breakdown: one-bedroom flats, which is commonly referred to as 2RKBs, post-War there are two; 3RKBs, that is two-bedroom flats, post-War nine; and then the 4RKB, which are three-bedroom apartments, we have one pre-War and two post-War.

**Homeless persons
Housing allocations**

1025

Clerk: Question 420, the Hon. E J Reyes.

1030

Hon. E J Reyes: Can the Minister for Housing say how many housing allocations have been made to homeless persons, since his answer to Question 292/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1035

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, four housing allocations have been made to homeless persons since the answer to Question 292/2012.

**Government housing
Applications from homeless persons**

1040

Clerk: Question 421, the Hon. E J Reyes.

1045

Hon. E J Reyes: Can the Minister for Housing say how many applications from homeless persons are currently being dealt with, giving a breakdown of dates as from when these applications were made?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1050

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, a total of 18 applications from homeless persons are currently being dealt with by the Ministry.

The breakdown of the dates is as follows: June 2010, two; October 2010, one; November 2010, four; December 2010, one; March 2011, one; May 2011, one; December 2011, one; January 2011, two; March 2012, three; and April 2012, two.

1055

Hon. E J Reyes: Mr Speaker, for the sake of clarity, the figure two, pertaining to January, is that January 2012 or 2011?

If the Hon. Minister would like to read for me the last three – January, 2012 was two...

Hon. C A Bruzon: Sure. January 2012, two; March 2012, three; and April 2012, two.

1060

Hon. E J Reyes: I am grateful, Mr Speaker. My figures do not quite tally up, and perhaps the Hon. Minister may have some information that would enlighten me.

In March 2012, there were 25 applications from homeless persons and if we are currently left with 18, one would have assumed automatically that seven have been allocated; but in answer to previous Question No. 420, earlier on this afternoon, only four have been allocated, so there is a discrepancy of three. Can we tally up those figures somehow?

1065

Hon. C A Bruzon: If you would be kind enough to just put it on a note and give it to me in the ante Chamber and I will investigate.

1070

Hon. E J Reyes: Good enough, Mr Speaker.

**Housing tenants
Pending repairs completed**

1075

Clerk: Question 422, the Hon. E J Reyes.

1080

Hon. E J Reyes: Can the Minister for Housing state how many tenants, since his collective answer to Question Nos. 295 to 298/2012, have had their pending repairs completed, giving a breakdown of how many were internal or external repairs, broken down into categories of both pre-War and post-War housing stock?

Clerk: Answer, the Hon. Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 422

Since the collective answer given to Question No. 295 to 298 of 2012, there have been a total of 252 tenants that had 326 jobs completed, as follows:-

Internals	
Pre-War	7 completed jobs for 4 different tenants
Post-War	133 completed jobs for 120 different tenants
Total	140 124

Externals	
Pre-War	20 completed jobs for 17 different tenants
Post-War	166 completed jobs for 111 different tenants
Total	186 128

1085

Hon. C A Bruzon: I will just read out some information as we wait for it to be circulated. Since the collective... there have been a total of 252 tenants that had 326 jobs completed.

The rest of the information is on the... (*Interjection*) You have got the information now in front of you – I think. No, it has not got to you yet.

1090

**Government rental flats
Repairs completed**

1095

Clerk: Question 423, the Hon. E J Reyes.

1100

Hon. E J Reyes: Can the Minister for Housing state how many jobs, since his collective answer to Question Nos. 295 to 298/2012, have been completed in respect of Government rental flats, giving a breakdown of how many were internal or external repairs and the nature of works undertaken, broken down into the categories of both pre-War and post-War housing stock?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1105

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I have just handed over to the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 423

Since my collective answer to Question Nos. 295 to 298 of 2012, there have been 784 jobs completed in respect of Government rental flats.

Out of this total, 598 jobs were internal jobs completed by the Housing Works Agency and 186 were external jobs completed by the Ministry for Housing. These are further broken down as follows:

Work category - Internal repairs	Pre-war	Post-war	Total
Bathroom unit replacement	1	21	22
Carpentry repairs	13	49	62
Cleaning of flat	5	18	23
Drains, rodding and cleaning	5	4	9
Emergency repairs	41	204	245
Masonry repair	2	18	20
O/T repairs/refurbishments	-	12	12
Other - asbestos removal	1	5	6
Painting	-	21	21
Plumbing repairs	13	156	169
Refurbishment - empty flat	1	8	9
TOTAL	82	516	598

Work category - External repairs	Pre-war	Post-war	Total
General	19	111	130
Drains	1	4	5
Lifts	-	49	49
Electricity	-	2	2
TOTAL	20	166	186

Hon. E J Reyes: Mr Speaker, can I ask nicely: the Hon. Minister might be able to identify a typographical error. In the schedule he has handed over to me, it says:

1110 'Since my collective answer to Question No. 291...'

My question posed collective answer to question 295 and a quick looking back at what question 291 was, 291 referred to additional applicants for housing and so on.

1115 So am I correct, shall we amend it for the record today – that it is a simple typographical error and should reflect 'Question Nos. 295 to 298' in the schedule handed over?

The Clerk will have to really find this extremely useful when he comes to compile the *Hansard*, for which he is extremely efficient.

1120 **Hon. J J Netto:** Mr Speaker, could I ask the Hon. Minister for Housing, within the information he has provided, in the first column in which he actually put the works category, the breakdown there amongst those particular building elements of what category he has amongst the others, emergency repairs – one of the many which is listed there – does the Housing Works Agency record a response time for everything that comes under the emergency repair category, in order to respond to do this particular work – even though we are dealing with whatever it is, emergency work?

1125 **Hon. C A Bruzon:** There is, in fact, a question that maybe will answer that, later on in the Order Paper.

Hon. J J Netto: I am jumping the gun too soon.

1130

**Housing Agency
New jobs added to list**

1135

Clerk: Question 424, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many new jobs have been added to the list requiring the attention of the Housing Ministry, since the answer given to Question No. 298/2012, stating the nature of the work required to be undertaken and broken down into categories of both pre-War and post-War housing stock?

1140

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1145

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 424

Since 15th March 2012, there have been 870 new jobs added to the list.

137 appertain to external works and 716 to internals, which are as follows:-

External Works			
Work Category	Pre-War	Post-War	Total
Window, Shutters	11	57	68
Plumbing	9	10	19
External	9	25	34
Making Safe	1	7	8
Letter Boxes	-	25	25
Total	30	124	154

Internal Works			
Work Category	Pre-War	Post-War	Total
Bath or Shower conversion	-	19	19
Bathroom Unit replacement	4	27	31
Carpentry repairs	21	60	81
Cleaning of flat	7	25	32
Drains, rodding and cleaning	7	8	15
Emergency repairs	48	235	283
Masonry repair	5	12	17
Other	1	4	5
O/T Repairs/Refurbishment	1	11	12
Painting	1	24	25
Plumbing repairs	20	163	183
Refurbishment – Empty flats	2	11	13
Total	117	599	716

1150

Hon. J J Netto: Mr Speaker, could I ask the Housing Minister, within the schedule he has just provided us with, on the ones on internal work, if he goes down to where it says 'Bath or shower conversions' and then he has 'pre-War' and 'post-War', the one thing that comes to mind – and I wonder whether he has got the information – was that I think it was in one of our first parliamentary sessions, either in January or perhaps February, I did ask from the elderly side, that I was concerned of the delays in actually taking away all baths which were broken and fixing new showers, which was a demand by the elderly people and I remember quite... The answer that the hon. Gentleman gave me was that within three months – it was quite a bold answer, I thought – all the showers that the elderly people have put requests in to have fitted would be done.

1155 I was now wondering whether he is now in a position to state whether all those requests for showers to be installed by the elderly have now been done within... Well, I thought it was *too* bold to say three months; it would have been better to say a much longer period, perhaps – it would have been fantastic – but is he now in a position to say that all the outstanding work has been done?

1160 **Hon. C A Bruzon:** No, I am not in a position to say that.

Hon. J J Netto: Well, Mr Speaker, perhaps, if I do remember and I write to the hon. Gentleman, requesting this information, could he provide it for me?

1165 **Hon. C A Bruzon:** I certainly will.

Hon. J J Netto: I am much obliged, Mr Speaker.

1170

**Housing Authority contracted work
Details of jobs**

1175 **Clerk:** Question 425, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state how many jobs have been contracted out, stating the date, nature of work, estimated cost and to which companies, by the Housing Ministry, since the answer given to Question No. 299/2012 and broken down into categories of both pre-War and post-War housing stock?

1180 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 425

Since the answer given to Question No. 299 of 2012, the Housing Ministry has contracted 6 jobs as follows:-

Date	Work Category	Estimated Cost	Company	Type of Housing Stock
09/03/12	Plumbing repairs	£690	Gemini	Post-War
26/03/12	Plumbing repairs	£780	Gemini	Pre-War
27/03/12	Plumbing repairs	£800	Gemini	Post-War
03/04/12	Plumbing repairs	£700	Gemini	Pre-War
03/04/12	Plumbing repairs	£700	Mersey Castle	Pre-War
26/04/12	Plumbing repairs	£800	Gemini	Post-War

1185 **Hon. E J Reyes:** Mr Speaker, if I may, perhaps the Hon. Minister does have the information and could enlighten us.

1190 This list provides information I did ask for and, in the breakdown, he kindly categorises it, that they have been planning repairs. Was this because the Housing Works Agency does not have the workforce available at that particular moment in time to carry out these works, or is it because, due to some sort of exceptional circumstances and deadlines in which to meet emergency repair, whatever, that is the reason why they were contracted out?

Hon. C A Bruzon: I believe we did discuss this last time, and the reality is that the aim of the Housing Authority is to allocate as many homes to the applicants as quickly as possible, so there are times when we

1195 do, indeed, have to employ small companies to carry out work for us – mainly the external works.

Hon. E J Reyes: Alright, Mr Speaker, but we can certainly deduce from there that, if at all possible, the priority to undertake this work is first looked into by doing it from existing workforce within the Housing Agency, before contracting out and this contracting out, is it determined because of the cost level and that has been an influencing factor that the Minister has then decided, ‘Right, let’s contract out’ or what has influenced the contracting out, rather than leaving it for the workforce to handle?

Hon. J J Bossano: Mr Speaker, the original agreement entered into by the previous administration divided the work as to external and internal, and the people who were retained in the Housing Department were responsible for supervising the work of contractors who were all doing external work. The people who were retained in the Agency were all doing internal work.

We have reviewed that on the basis of size and complexity so that if, given the fact that there was an early exit package, and that in some areas the numbers that left were such that are very few of that particular trade left behind, it means that in some areas the direct labour sometimes is not enough to deal with everything and, therefore, that is contracted out.

But the original thing was based on whether it was internal or external, whereas now it is based on the capability of the numbers that are in the Agency and the magnitude or complexity of the job. It does mean, of course, that most of the external things that require scaffolding and all that sort of thing goes outside. But it can also mean there can be a complicated inside job like lifting up the floorboards, for which we may not have the manpower.

Hon. E J Reyes: Yes, thank you for that, Mr Speaker. Yes, that answer is acceptable.

So when he came to these particular cases, I think the Hon. Minister may have mentioned, although it is not written here... I think they refer to all external cases, don’t they?

It is not written down here but I think in passing, in his oral contributions to this, I think he mentioned the word ‘external’ –

Hon. C A Bruzon: Your interpretation is –

Hon. E J Reyes: – so can I add that here, as *de facto* that they were external works?

Hon. C A Bruzon: Yes.

Hon. J J Netto: Mr Speaker, could I ask, because in listening to the comments by the Minister for Employment, I accept the fact that the particular job may be complicated or specialised, maybe the need that the Housing Works Agency may have to outsource a particular job to a private sector contractor, that when we look at these particular lists, in the schedule which has been provided to us, and we look at the estimated costs, it is quite low – all of them, in fact, less than £1,000, and all of them are dealing with jobs that are not complicated, because they are planned jobs. Then, in my mind, the question that arises is that this is not a job that has been contracted out because it is complicated and equipment or resources may not be in-house. So there must be some other reason, other than being complicated for which the Department has contracted work.

Is it perhaps – and I am asking in the form of a question – that these particular jobs, although the first column provides the date when the jobs were done, have been outstanding for a very long period of time from the date in which the tenant may have reported initially and, as a result of the long delay that the tenant has been waiting for the repairs, that the Housing Works Agency may have taken the decision to contract it out? This goes back to the question I am trying to establish whether the Housing Works Agency has a particular response time for every particular type or category of work – in other words, if it is an emergency and the emergency needs to be done because the nature of the emergency is that it may need to be done in 48 hours – but if for whatever reason the Housing Works Agency cannot do it, then these particular jobs, which are an emergency, need to be carried out for the benefit of the tenant, and then the Housing Works Agency may decide that if the Housing Works Agency cannot do it, then it needs to be contracted out – I can understand that logic.

But one cannot derive from the information supplied here, given that we are talking about jobs which are very low in monetary value and – I am not trying to degrade plumbing jobs, but plumbing jobs are not

1250 something which require a lot of people. It is probably done by one particular person, as opposed to a team of plumbers, which can be more complicated in terms of doing a big installation.

So I am trying to establish the reason behind why the jobs were contracted. Can the hon. Member perhaps provide some sensible, logical reason?

1255 **Hon. J J Bossano:** Well, on the basis of what I am trying to do, it is provide a sensible logical reason, which may or may not be correct, I will point out that, in every case, the contractor is a scaffolding company. Therefore, if these are all jobs that have been done by scaffolding company, it is possible that although they are called plumbing repairs may have to do with things like gutters and downpipes.

1260 All the companies there, all the contractors, in every single case is a scaffolding company.

Hon. D A Feetham: Yes, when I looked at it, that is what I thought this might relate to, and in fact you can actually see that the amounts are pretty uniform.

1265 Unfortunately, the actual answer could have been phrased better because all it needed to have said is 'scaffolding for plumbing repairs' and we would have all been... It would have answered the question.

Clerk: Question 426, the Hon. E J Reyes.

Hon. D A Feetham: Can I come back on this, please?

1270 **Mr Speaker:** Yes, certainly, yes.

Hon. D A Feetham: Just in relation to this, and assuming that, of course, there is scaffolding, how does one determine who actually gets the contract in relation to these particular jobs – is this done on a roster, is it done by tender, is it done by direct allocation, at the discretion of the Minister, or somebody within his Department? How exactly is it done?

1275 **Hon. J J Bossano:** In all the cases where it is possible to use the scaffolding that is owned by the Government, the scaffolding company has just paid for putting it up or taking it down, and there is a standard charge, which they all charge the same. So, basically, it is shared around so that ...

1280 In fact, if too much was given to one company, it would not be able to do it. There is a limited number of scaffolders in the market, and they are spread across four companies and the work of the Government keeps them going all the time.

1285 **Hon. D A Feetham:** So the answer is, effectively, that there are four or five of these companies and then there is a rota and they share the job in accordance to whether somebody has done a job before, then it is somebody else's turn, and somebody else's turn – is that how it is done?

1290 **Hon. J J Bossano:** It is not quite like that. It is not whether it is a roster and they take a turn because, in fact, it is just that the work that is put out, you could not put out more scaffolding work than the market can do because, otherwise, you would then finish up bringing in people from outside, which is not something we particularly want to encourage.

So the fact is that if somebody, for example, has got the contract to put up a lot of scaffolding in the Alameda Estate, that is quite a big scaffolding job. So you could not say 'You are number 4 and it is your turn again', because it could be a long time up there.

1295 It is really... the fact is that when they start running out of work, they come back asking for more. It depends on the size of the job they are doing, they are working on.

Hon. D A Feetham: And, hopefully, we are talking about standard fees – that is why these are, in fact, very close figures that we are talking about in this schedule that was handed by the Hon. Minister.

1300 **Hon. J J Bossano:** Where there is a difference, it is because, in fact, they are providing the scaffolding and then as well as putting it up, and taking it down, they provide for hire. Clearly, the Government seeks to avoid hiring scaffolding for as long as it can do the work with the stuff that it already owns and therefore it is the one that it owns, the rate for putting it up is so many pounds per metre and everybody charges more or less

1305 the same. I doubt if there is more than a few pennies between one company and the other.

1310 **Co-ownership housing estates**
Meetings with management companies

Clerk: Question 426, the Hon. E J Reyes.

1315 **Hon. E J Reyes:** Can the Minister for Housing state if he has, since his answer to Question No. 301/2012, 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.

1320 **Minister for Housing and the Elderly (Hon. C A Bruzon):** I will read out, Mr Speaker, exactly what I have got here and then I will give an explanation, because I am sure there will be a supplementary.

Mr Speaker, no member of any such management companies of co-ownership housing estates have yet approached us to have such a meeting.

1325 I would like to explain to the hon. Member that we did say, some months ago, that we were trying to organise such a meeting, but that we have been unsuccessful in getting down to the bottom of who are these people? Really, the procedure should be that whoever wants to see the Minister – whether it is the Alameda tenants' estates or whether it is a Home Ownership Association, the procedure is that they phone or write to my secretary and I would most certainly fit them in.

1330 So, really, I have still been unsuccessful in having such a meeting, but I would encourage whoever is interested in seeing the Minister just to ask for a meeting and I will give it to them.

Hon. E J Reyes: Mr Speaker, I think that that is a slight variation from what I understood in the answers given by the Hon. Minister last time round. The Hon. Minister did say, in the last parliamentary session, that – to use his words:

1335 'What I am doing is that I am meeting a number of representatives of housing estates –'

– hundreds and hundreds of individuals and so on–

1340 '– 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,'

that he writes to us and I clarified that I was not speaking on behalf of any group.

1345 So I was led to believe, Mr Speaker, that this was work in progress or a matter at hand, and I accepted it in the Hon. Minister's explanation that it was more a question of co-ordinating dates with the Chief Minister, when he could be available, and so on.

1350 Now it seems to have taken a different turn, and now it seems that, if I have interpreted his answer correctly, we do not have any pending requests to meet with anyone from these co-ownership housing estates.

Hon. C A Bruzon: I did succeed in having a meeting with Brian Francis Associates, who apparently are managing agents of some of these associations. But that is as far as I have got, and I think the Chief Minister has also had a meeting with them.

1355 But, really, as far as meetings with home owners who are dissatisfied with any increase in service charges, I imagine that the onus will be on them to try to come to us, because there is a mention in our manifesto that we will do our best to help in any way we can.

1360 **Hon. E J Reyes:** Mr Speaker, if we go right back to Friday, 20th January, when I raised the matter of increasing service charges and so on and I even made available to the Hon. Minister, just outside your office in the antechamber, an example of a copy of these sort of increased service charges and so on, he has been

leading me to believe that it was a matter that would be tackled and that he was going to meet with the groups and, looking here at the questions and answers all the time, there is no signal here at any stage, other than to say that it is a matter at hand and I am just waiting to see what developments there have been.

1365 So I am still taken a bit by surprise to realise now that... Am I correct in saying that now, in order to tackle the issue of increased service charges, it is up to the management companies or these co-ownership housing estates to have to request a meeting with you? Am I correct in that interpretation?

Hon. C A Bruzon: Mr Speaker, the truth is that I *have tried* to get my staff to see if they can establish who the contact people are and they have not been successful.

1370 So that is the simple truth, Mr Speaker.

Again, I repeat there is a mention in our manifesto that should there be any members of such associations who are concerned about unreasonable increases in service charges, then we will see if we can help. But as Housing Minister, my responsibility is really to look after the rental accommodation of Government housing.

1375 I sometimes wonder where I fit in, in all this, except that there is a mention in the manifesto and it falls into my... It is close to my photograph! Maybe that is why they want to come to me, and I shall be happy to receive them and see them.

Hon. D A Feetham: Yes, Mr Speaker, can I remind the hon. Gentleman of the manifesto commitment:

1380 'We will work with the management companies in all Government co-ownership housing estates where there are problems with the level of service charges in order to address the issue and consider ways of containing costs.'

1385 Does he, in light of the fact that he has not received representations from management companies on the issue of service charges, concede that, in fact, there appears to be no problem with the issue of service charges, much like there was no problem with all those battalions of Gibraltarians living in Spain (*Laughter*) – which he conceded on the last occasion? There were only two or three people making demand of the Hon. Minister. (*Interjection*)

1390 **Hon. C A Bruzon:** Well, I made no reference to 'battalions' but if the member of the Opposition wants to be poetic, I would prepare to accept that and smile!

1395 The answer is that there does not seem to be serious problems – at least they have not come to my ears. I do acknowledge that the hon. Member sitting opposite – my opposite number – did share with me some concern, but that is as far as it has gone. The actual managing agents – maybe that is what they probably *would* say – they say here that the service charges are quite low, as they have not increased in around 20 years, with the exception of a recent 3.8% increase, in line with the cost of living.

1400 Of course, some people obviously are not happy with that, but I repeat, Mr Speaker, I receive hundreds of tenants, I receive a number of associations, and these meetings are arranged. I do not go out of my office: 'Does anybody want to talk to me? Is anybody interested to come to me with a problem?' I do not do that, but I shall be happy if somebody...

If you know the names, give them to me and my secretary will phone them and I will genuinely try to see if I can offer help.

1405 **Hon. E J Reyes:** Mr Speaker, I know the Hon. Minister was just referring to information passed on to him – I do not know if I am correct in saying – I doubt the veracity: there has been no increase in service charges for 20 years? In respect of what estate is he talking about?

Hon. C A Bruzon: This quotation may refer to some specific area, so I would qualify that – in other words, it may not refer to the one that you are thinking of. We had better leave it at that!

1410 **Hon. E J Reyes:** Certainly, Mr Speaker. I wanted to go down on the record. Certainly the one where I live there have been *annual* increases for the past twenty years and so I cannot accept there has been no increase.

1415 Yes, Mr Speaker, for the record – and I know the Hon. Minister accepted this last time – there are concerns amongst residents here of increased service charges and there is a record from the hon. Member, especially when he was sat on this side of the desk, he did go out on balconies and rooftops and say, 'Here I am. If anyone has any problems, come and look for me.' So he cannot now pretend to be doing otherwise,

otherwise he is failing the electorate because that was his style and was why people chose him to sit on that side of the House.

1420 **Hon. C A Bruzon:** Whether his comparison is valid or invalid, I would suggest that we move on.

I do repeat that I get many, many requests from tenants, many requests from associations, and I receive them into my office and we look at their concerns and we try to help and the same would apply to the homeowners.

1425 **Hon. E J Reyes:** Yes, I accept that, Mr Speaker, and I also know that he does get many requests and they are still waiting five months on for at least to be given an appointment time, but I suppose that is the nature of his workload and I accept that the Hon. Minister means well. I think he can conclude this exchange by at least reassuring me and the public at large that he will do his utmost to see as many people as soon as possible because some of have been waiting for at least an appointment time for quite some months now.

1430

**Government rental flats
Details of pending or incomplete repair jobs**

1435 **Clerk:** Question 427, the Hon. E J Reyes.

1440 **Hon. E J Reyes:** Can the Minister for Housing state how many jobs are currently listed as pending or incomplete in Government rental flats, giving a breakdown of internal and external repairs, as well as stating the nature of these works and by whom they are or will be carried out broken down into the categories of both Pre-War and Post-War housing stock?

Clerk: Answer the Hon. the Minister for Housing and the Elderly.

1445 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, I am now in the process of handing over to the hon. Members a schedule containing the information requested.

ANSWER TO QUESTION 427

I submit a reply to this question primarily broken down by (a) internal jobs and (b) external jobs, as follows:

(a) There are 680 internal jobs currently listed as pending within the Housing Works Agency. These jobs are categorised as follows:-

Work Category – Internal Repairs	Pre-war	Post-war	Total
Bath for shower conversion	1	24	25
Bathroom Unit replacement	7	46	53
Carpentry repairs	37	100	137
Cleaning of flat	7	11	18
Drains, rodding and cleaning	2	7	9
Emergency repairs	7	51	58
Masonry repairs	13	40	53
O/T Repairs/refurbishments	3	40	43
Painting	7	71	78
Plumbing repairs	25	149	174
Refurbishment – empty flats	6	26	32
TOTAL	115	565	680

(b) There are 3034 external jobs currently listed as pending to be carried out by external works contractors. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. It is impossible to deliver a detailed categorisation of all 3034 jobs within the required timescale. The following condensed categorisation applies:

Work Category – External Repairs	Pre-war	Post-war	Total
External Building Contractors	571	1857	2428
Windows Replacement Contractors	-	606	606
TOTAL	571	2463	3034

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

1450 I know I did not ask for it and I am just going to ask in case the Hon. Minister does have some further information pending... Any idea of how long, perhaps, some of these jobs have been? I think I had better, Mr Speaker, give due notice of that question for next time round so we can try and emerge a pattern to see how long, justifiably or not, some tenants are saying that they are having to wait a bit too long.

1455 **Hon. C A Bruzon:** I appreciate that, Mr Speaker.

Clerk: Question –

Mr Speaker: The Hon. Jaime Netto.

1460 **Hon. J J Netto:** If I could ask a supplementary question to the Hon. Minister?

1465 From the information provided in the schedule, it is stating down in (b) that there are 3,034 external jobs can be listed, as pending to be carried out by external work contractor. External jobs vary in nature ranging from repairs to building fabric, to waterproofing/roofing. Given that we are now entering the better weather in the cycle of the year, is there within the Housing Works Agency a programme to prioritise, perhaps, all these external jobs, particularly if some of the jobs outstanding, external ones, are roofs, because this would be the time of the year to do it, as opposed to doing it in the winter months?

So could the Minister perhaps provide information whether, within the schedule of works being organised by the Housing Works Agency, priority will be given to external work, particularly to roofs?

1470 **Hon. C A Bruzon:** As it happens, Mr Speaker, when I talk to my Technical Department we often consider that point, exactly as the Shadow Minister has, in fact, indicated. Before the rains come next winter, let us get on with the job of repairing roofs and any cracks on the side of buildings which will create problems for the tenants. So I do not know if that is a satisfactory response?

1475 **Hon. J J Netto:** Well, it goes somehow to answering the supplementary question, but perhaps what I was trying to obtain was whether, within the workforce of the Housing Works Agency, perhaps there is a dedicated group of tradesmen who are now given this type of work to prioritise in order to ascertain that, before the winter comes along, at least for works to do with roofs that are leaking, water penetrating through perhaps, that that particular job is done now, with the good weather, as opposed to doing it in the months of January, February or March. Is that the case?

1480 **Hon. C A Bruzon:** I believe the answer should be yes, and I hope it is yes, but I do not want to give a categorical 'yes' because I would have to check with my people. But I imagine that there must be people with the technical skills to talk about these things and to ensure that whatever jobs can be done before the winter rains come, will be done.

I could add, Mr Speaker, just for the... that we are still catching up with a backlog of jobs. In fact, since April 1st to October 30th in 2011, the previous administration did not execute one single outstanding or new report appertaining to external defects. This increased the already substantial backlog of reports. (*Applause*)

1490 **Hon. D A Feetham:** Mr Speaker, my hon. Friend, Mr Reyes, has had to leave the House. He has received some news that a family member has had to be taken to hospital, so he has asked me to ask the questions of the hon. Gentleman.

Mr Speaker: Most certainly. Yes.

1495

**Reports of unsafe dwellings
Numbers pending completion; decanting of tenants**

1500 **Clerk:** Question 428, the Hon. D A Feetham, on behalf of the Hon. E J Reyes.

1505 **Hon. D A Feetham:** Can the Minister for Housing state how many reports of unsafe dwellings are currently pending to be completed and how many of these require urgent decanting of tenants due to Health and Safety regulations... or considerations? I beg your pardon.

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1510 **Minister for Housing and the Elderly (Hon. C A Bruzon):** There are no pending dwellings requiring completion that are deemed unsafe and none requiring decanting due to Health and Safety considerations.

Clerk: Question 4 –

1515 **Hon. D A Feetham:** Sorry, my friend, Mr Reyes, for listeners into parliamentary proceedings, is now back. I am glad to say that everything appears to be okay.

Can Mr Reyes have a moment to consider whether he has a supplementary question?

Mr Speaker: Yes, of course. I understand the Hon. Jaime Netto has a question in the meantime and that will give the Hon. Edwin Reyes some more thinking time.

1520 **Hon. J J Netto:** Could I ask the Minister for Housing, although I believe he has just stated that there are no unsafe dwellings that require urgent decanting of tenants due to Health and Safety considerations, could I perhaps ask the supplementary question in a slightly different way, whether he has received any reports perhaps, by the Housing Inspectors, to the effect that there are *some* dwellings which are not fit for purpose for which there are sitting tenants?

1525 **Hon. C A Bruzon:** I can confirm, Mr Speaker, that there are a number of tenants that are down for decanting, either because there are continuing problems with dampness, bad smells and all that kind of thing; but that does not come under the category of requiring completion... unsafe. Sometimes a building is unsafe and if a building is going to collapse then, of course, that is different.

1530 So the answer is what I have been given, which I am happy to read out again for the benefit of the Hon. Edwin Reyes: there are no pending dwellings requiring completion that are deemed unsafe and none requiring decanting due to Health and Safety considerations.

1535

Housing Agency Response time targets for repairs

1540 **Clerk:** Question 429, the Hon. E J Reyes.

Hon. E J Reyes: Does the Ministry for Housing have specific response time targets in respect of the different categories or types of repairs to be undertaken and are these targets presently being met?

1545 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, in the case of emergencies, the Ministry for Housing will attend on the same day and make safe.

Other works are attended to as soon and as efficiently as possible.

1550 **Hon. J J Netto:** Mr Speaker, I take on board what the Minister has said in relation to emergencies, that personnel will attend within a particular day and make safe. However, there are – just looking at the information given during the course of this afternoon by the hon. Member – some other categories of work, for instance OT repairs/refurbishments and perhaps even asbestos removal.

1555 I am surprised that, perhaps, the Housing Department is not necessarily working or liaising as closely perhaps as it should with the Health Authority and perhaps the Care Agency, because one of the things in my experience is that there are referrals either done by the OT in the Health Authority, which are then passed

on... well, used to be passed on, actually, to the Social Security Department rather than to the Social Services Department for which there are tenants, either in Government dwellings or perhaps even residents in home ownership schemes for which some repairs or fitting some equipment from the OT is concerned that needs to be carried out.

1560

So the point I am trying to make, perhaps, if I can change it into the form of a question, is whether the Housing Department or the Housing Works Agency will not consider working closer perhaps with the Health Authority and perhaps the Social Security in relation to having a response time for the work coming out from the occupational therapies included into this field. I think that when there is a referral by the OT, by definition there is a medical issue involved and I think that we would all welcome, both sides of the House would all welcome, if there is a response time to execute such work.

1565

Hon. C A Bruzon: I am not too keen, Mr Speaker, on *exact* response times – one week, one month, three months. I am a great believer that if the job has to be done it has got to be done as efficiently and as quickly as possible. I do not want my workforce to say, ‘Ah, I have still got another six weeks to do this.’ That is why the culture that I try to create (*Interjection*) is that jobs have to be done as quickly and as efficiently as possible and I encourage the labour force, the workforce that work under me, to get on with the job and earn the bonuses that they are being offered and that kind of thing, but I have not got...

1570

The question itself, if I may say so, Mr Speaker, refers to types of repairs, and there are thousands of different types of repairs. Lots of different categories, targets, you know... and the answer is that if it is an emergency, like a burst pipe, the plumber will go and turn off the mains. So the emergency is over for that moment. Then, as soon as possible, they will go and repair the plumbing.

1575

Other jobs, Mr Speaker, they have to be addressed by the workforce as quickly and as efficiently as possible. I do not have information as to exact targets in terms of weeks, months or years. The question maybe should have been rephrased or put before me a bit better, if I may suggest it, because there can be external works, external repairs. You cannot give a target. You give a completion date, roughly, you know, but you cannot say that it will be ready in three weeks or in one year. You just do your best. If it is a small job, then it should be done asap.

1580

Hon. J J Netto: Mr Speaker, with respect to the Hon. Minister, no-one is trying to suggest that the wheel should be invented, in the sense of being able to collect information and then translate that information into categories of response time.

1585

Look at local authorities in the UK: this is already done. In fact, the people who probably provided the answer to the legal questions, are very much aware of the kind of language that I am referring to, when I say ‘response time’. So perhaps they should have prepared you a little bit better, in the sense of knowing what other building elements would constitute a response time to attend, as opposed to the completion of the job, which is a different thing, because that would depend on the specification of the job, but I would have thought – and I just leave it for him to take it away and have a discussion with the Minister for Health, in particular – that there will be within the workload of the occupational therapies – and I know this from experience – a number of jobs of individuals, either in Government dwellings... or residents in home ownership schemes, who have a number of medical ailments and they need to do work in order to accommodate the medical evidence.

1590

I think all of us would agree that people in those categories would need to be prioritised. Now, to the degree they are prioritised is a matter for the Government to decide, so I think that a priority should be given.

1595

So that is one category of people that I think he ought to take away and consider. The other one, of course, is the question of asbestos removal, because if the Hon. Minister for Housing has on his desk a report that has been given by officials, whether they are housing officials, or officials from the factory inspectors, in fact, on the question whether asbestos has been tampered and there is airborne fibre on the particular premises, then you have got to have a response time to deal with that because, again, you are dealing with health matters, so can I just end up by saying to the Hon. Minister, will he not consider going back to his officials, looking at areas where he needs to prioritise in accordance with the type of work it is and perhaps have a discussion with the Minister for Health in relation to work being provided by the occupational therapist?

1600

1605

Hon. C A Bruzon: I know that, in the reports, when reports are put forward, there is a distinction between very urgent, urgent and routine – that kind of thing. Maybe that is what you are getting at and you should make sure that if something is very urgent, it should be done within a specific period of time, if it is possible.

1610

That is what you are getting at.

1615 I am sure that that happens. It is just that I would need to look into the subject matter more thoroughly to be able to provide an accurate answer but I think, Mr Speaker, that is my contribution on that Question, so I think my colleagues may want to say something else.

1620 **Hon. Dr J E Cortes:** Mr Speaker, although this is not a direct supplementary, I can inform the House that adjustments in the workload of the occupational therapists means that now we have occupational therapists dedicating much more time than before December to assessments in people's homes. There are regular meetings of multi-disciplinary teams and a number of repairs have been carried out, and are in the process of being carried out, including the famous Albert Risso House, which was not fit for some of the elderly people who were put there and we are putting that right.

1625 **Hon. J J Netto:** With respect to the Minister for Housing, he seems to be more concerned with scoring a cheap political point than addressing the issue which I am saying.

1630 The issue I am saying is not whether he has more occupational therapists to do more surveys. If he has them, good for the Health Authority, good for the people of Gibraltar. The *issue* I am raising is that, once the services are done by the occupational therapists, there is an amount of jobs on all the service of people that work needs to be done and I am saying, the only thing I am saying in my supplementary is that there need to be, once the service is completed, a response time for all those services of all those people which have outstanding work to be done and that is the point I am making.

1635 The point I making is, will he not, regardless of the amount of people he must employ, regardless of the amount of service done, that once the service is done, is not lying idle on a table, but that there is communication and prioritisation of the work from the Health Authority and the Housing Department for the benefit of the people that are working to be done? That is the point I am making.

Hon. Dr J E Cortes: Mr Speaker, I can assure you that things lie idle on *our* tables much less than they used to lie idle before. (**Several Members:** Hear, hear.)

1640

**Housing Agency staff
Retirements and transfers; new employees**

1645 **Clerk:** Question 430, the Hon. E J Reyes.

1650 **Hon. E J Reyes:** Can the Minister for Housing state how many employees have retired or transferred, indicating effective dates, from the Housing Agency since 9th December 2011 and how many new employees have been engaged by the Agency since then in accordance with the agreement reached between Government and the unions?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1655 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, since 9th December 2011, a total of nine employees have been retired or transferred as follows:

2 – 31st December 2011

1 – 6th February 2012

1 – 13th March 2012

1660 2 – 14th March 2012

2 – 19th March 2012

1 – 6th April 2012

As to new employees, none have been engaged since 9th December.

Hon. E J Reyes: Just for the sake of clarity, all the nine have been transferred, none are retired?

Hon. C A Bruzon: The answer that has been given to me – I have got to be honest, it says here, 'number

1665 of employees transferred/retired' so if he wants further information on that, I can provide it.

Hon. E J Reyes: My question did ask how many have retired or transferred and I would have thought it was not unreasonable to know the breakdown of who was retired and who was transferred.

1670 I have to accept the hon. Member does not have that fact but, again, under the previous gentleman's understanding, he can furnish me with that information, when he is available in his office next week.

Hon. C A Bruzon: I will provide the information to my hon. opposite number.

1675 **Clerk:** Question 431.

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

1680 My understanding, unless I am mistaken, is that the agreement reached between the union and the Government, the GSD Government at the time, was, if I am right, for every two employees that retired, the Agency would employ one. So therefore is that still standing? If we find out once this clarification on how many are retired or transferred, once we find out, for argument's sake, that out of the nine, four have been retired, so leaving aside the ones transferred, will it therefore follow that two people would be employed for the Housing Works Agency in accordance with agreement with the union?

1685 **Hon. C A Bruzon:** We shall have to wait and see.

1690 **Hon. J J Netto:** Well, Mr Speaker, I am not asking him to wait and see for the clarification how many are retired or transferred, all I am asking is whether the present Government will honour the GSD Government agreement with the union that, for every two persons that retire, one would be employed. You do not have to 'wait and see'. It is either a yes or a no.

Hon. J J Bossano: Well, the answer is, Mr Speaker, the Government will honour the agreement, it does not mean that we are accepting that the agreement is as the hon. Member says. It may say that, or it may not. I do not know what it says.

1695 **Hon. J J Netto:** If it does say that, will it be honoured?

Hon. J J Bossano: Yes, if it *does* say that, then it will be honoured, but it may not say that.

1700 **Hon. J J Netto:** Fine.

**Housing Agency
Employee in charge**

1705 **Clerk:** Question 431. The Hon. E J Reyes.

1710 **Hon. E J Reyes:** Can the Minister for Housing say which employee is presently in charge of the Housing Agency, stating his or her grade, salary scale and date of appointment?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1715 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, the employee who was deputy in January this year, is presently charged with the day-to-day running of the Housing Works Agency, and there has been no change to his grade or salary.

Hon. E J Reyes: When the Hon. Minister says this person was deputy in January, is it that the appointment of deputy was made in January, or he happened to be appointed before and was just incumbent in January?

1720 **Hon. D A Feetham:** So is he doing it on an acting capacity?

Hon. J J Bossano: No, Mr Speaker, there is no vacancy to be filled in which anybody is acting. The decision that was taken was that the post would not be filled and would be discontinued and, consequently, the person is doing the job that he was doing before, which, in the judgement of the Agency and the Government, did not require two people to do. It only required one.

1725 **Hon. D A Feetham:** And is it the Government's intention to come to this House and amend the relevant Act to do away with the post of Chief Executive of the Agency, because that is a statutory requirement. So, at the moment what we have is, there is a statutory requirement that you have a CEO, I think it was, and that post... they have taken a political decision, effectively, to abolish the... not to fill the post, but still there is a statutory requirement to have that particular post, so one would have thought that – and I am asking – are they going to come to this House to amend the legislation to, effectively, do away with that statutory duty, or statutory requirement, I should say?

1735 **Hon. J J Bossano:** That and much more.

ENTERPRISE, TRAINING AND EMPLOYMENT

1740

Old Age pension Proposed changes

1745 **Clerk:** Question 361, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Social Security state what changes he proposes to introduce to the old age pension on 1st July 2012, as stated by the Hon. Minister in answer to Question No. 125/2012.

1750 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the target date of 1st July may not be possible and it was, in any event, chosen as a preferred date to coincide with the start of the next tax year.

1755 No-one currently covered by the existing scheme, which will continue in place, would be affected, since the proposed fully-funded scheme will apply only to persons entering insurable employment when the new scheme comes into operation.

1760 **Hon. J J Netto:** The hon. Gentleman speaks in terms of target dates and now he seems to be saying that the target date for this, 1st July, will not be met. My question was not so much about target dates, as to what is it that the hon. Gentleman wishes to change? Could he perhaps specify or clarify that?

1765 **Hon. J J Bossano:** No, Mr Speaker, I am neither specifying nor clarifying anything because when we come with the legislation that is required, the hon. Member will have had 10 weeks in which to look at any changes. It will be put out as a Command Paper, so if it requires a change in the law which, in any event will not affect anybody who is now working and paying insurance, only people who start working *after* the date when it comes in, but certainly, I am not prepared now to speculate on something that is not yet ready.

1770 **Hon. J J Netto:** But, Mr Speaker, can the hon. Gentleman say why *he* thinks there is a need to change the old age pension legislation?

Hon. J J Bossano: Yes, Mr Speaker, for the reasons that I explained in this House, when I was in opposition and when I recommended it to the Government and during the Election campaign, which is that when the previous Government used to say that the Civil Service Pension Scheme was a potential millstone around the necks of the future generations of Gibraltarians, I used to say, from that side of the House, that the

1775 deficit we have got today in the Social Insurance Fund – which is £10 million a year – will be a monumental millstone if we did not do something to address this issue in the future.

1780 I think, in the last meeting of the House, in fact, the Leader of the Opposition agreed with me that, in fact, this was something that needed doing, and what we are doing is, if you like, trying to do a damage limitation exercise, so that the fact that we have got a scheme now where the numbers of people who are receiving benefit are receiving it funded by a ratio of 5:1 – that is to say, there are five people paying for every one being paid – and not withstanding that 5:1 ratio we have got a deficit of £10 million. Since all the people paying will eventually be pensioners, if we were to extrapolate that, it means that if you have got 25,000 people paying for 5,000, when the 25,000 people become pensioners, if nothing was done about it, you would need a workforce of 100,000 paying insurance for the 25,000 pensioners. Therefore, it is something that, if we look into the future, potentially it is crippling.

1785 We cannot do very much about what is already there, because that is something that involves acquired rights. What we are trying to do, or we will do, and what I wanted to do by 1st July and may not be able to do – simply because preparing the legislation is not something that I do personally and there is little I can do about it except asking for this to be done, and it has to take its place in the queue – but I wanted to do it by 1st July because that is when the tax year and the social insurance year now start, because they are both together.

1790 It would make sense to say, ‘Well, look, if we had had it for 1st July, and if we manage to have it for 1st July, what would happen would be that people who start working after 1st July would be contributing to a fully funded scheme, and that fully funded scheme will work in a manner that does not leave the unfunded liability that we have got today, which we can do nothing much about but, at least, we can stop it being added to by new people coming in.’

1795 **Hon. J J Netto:** So do I take it, then, that he is trying to work towards a timeline in which this change to the legislation will probably be brought about during this new financial year, 2012-13, for the purpose of being introduced – the changes – on 1st July not of this year but next year. Is that correct?

1800 **Hon. J J Bossano:** It is just administratively easier if we do it on 1st July. There is nothing to say it has to be done on 1st July; it can be done on the 1st of any other month.

1805 I would not want to delay it until 1st July next year, because this is something that we want to do to protect Gibraltar from having an open-ended commitment that gets bigger every year. Clearly, the sooner we get it done, the better. What we are trying to do is put something in place which means that all the people who are now in the existing scheme, and all the people who come from outside who are contributing, all of whom will acquire rights, wherever they may be when they retire, that will continue to be the case and there is nothing we can do about that.

1810 What we want to do is, from a given date in the future, the people who start on that day in the future will be contributing to a different scheme with different rules, which avoids the problem that we have today, which I have been suggesting, in a number of Budgets, to the Government previously needed to be addressed because, in my estimates of the liability, the liability will be growing at a faster rate than the old discontinued final salary scheme was growing, and the proof of it is that it has already hit the £10 million mark, the deficit.

1815 **Clerk:** Question –

1820 **Hon. D A Feetham:** So, are we talking about a situation where the legislation that you are envisaging would be backed up, by necessity, by a transfer of money out of the Consolidated Fund into a particular fund; and if that is the case, how much does the hon. Member estimate we are looking at on a yearly basis?

Hon. J J Bossano: No, it does the exact opposite of what the hon. Member says – the very precise and exact opposite.

1825 The one that requires money from the Consolidated Fund every year is the one we have got today and that... We are voting £10 million and it is likely to grow bigger every year. The one that comes in will not require subsidies – that is why it is fully funded.

1830

**Old Age Pension
Increase**

Clerk: Question 362, the Hon. J J Netto.

1835

Hon. J J Netto: Mr Speaker, can the Minister for Social Security state if the Old Age Pension has been increased from 1st April 2012; and if not, when, if at all, does the Government intend to increase the old age pension and by what amount?

1840

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 Question 364.

1845

**Minimum Income Guarantee
Increase**

1850

Clerk: Question 364.

Hon. J J Netto: Mr Speaker, can the Minister for Social Security state if the Minimum Income Guarantee has been increased from the 1st April 2012 and, if not, when, if at all, does the Government intend to increase this benefit and by what amount?

1855

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the increase in the Old Age Pension and the Minimum Income Guarantee is scheduled to take place later this year.

1860

Hon. J J Netto: Meaning 1st July?

Hon. J J Bossano: Probably in the quarter that starts on 1st July, yes.

1865

Hon. J J Netto: And is there any particular yardstick by which the hon. Member will determine the amount that will be increased?

Hon. J J Bossano: I can tell him that the yardstick that I intend to introduce is to avoid the situation that he had, which I criticised him for, which is that he raised it on one date and then had to recover it at a later date. So what I am doing is bringing it together so that does not happen any more.

1870

Hon. J J Netto: But that is not my question. My question is –

Hon. J J Bossano: No, but that is my answer, Mr Speaker, I know... *(Laughter)*

1875

Hon. J J Netto: Yes, but my question which I think I am entitled to try and pursue it, whether he wants to answer the question or not, which is a different matter altogether – is whether he has any formulation as to the amount of money that will be increased, particularly in the Old Age Pension?

1880

The last time that the Old Age Pension was increased was on 1st April last year, so it means that if, hypothetically speaking, the next increase will be on 1st July this year, it will be something like 15 months later. Does it mean that, in assessing how much it would be increased by, will he take consideration, for instance, of the RPI figure increases for the 15 months? That is what I am trying to get the hon. Member to answer.

Hon. J J Bossano: Yes, I know what the hon. Member is trying to get me to do – to tell him what I am

1885 going to do before I do it – and the answer is I do not recall any Government in any year in the 40 years that I have been here announcing what it intended to do to raise pensions until the time came that it was done. When we have decided to do it, we will do what has been done always, which is bring in the changes and implement them, like it has been done in the past.

1890 What I *am* doing is bringing the dates together so that we avoid a situation where people got an increase and then they found that, subsequently, the Department came in and reduced the amount that they got as a Minimum Income Guarantee to offset the increase it had had before. I think that can be avoided by bringing them together and introducing the increases at the same time. It avoids the hassle that was happening before.

1895 **Hon. J J Netto:** Just to point out, as a matter of fact, that there were times in which both things were increased on the same date in the same year and there were other occasions where it did not.

It does not necessarily follow that it happened all the time every year. It happened on some years but not all. He can find the information from his own civil servants.

1900 **Hon. J J Bossano:** Yes, I am well aware that it happened some years and some it did not, and the ones it did not were the ones when people complained, so the answer is – since I do not want people to complain about me, like they did about him – I am going to avoid it.

1905 **Registered unemployed
Income details**

Clerk: Question 363, the Hon. J J Netto.

1910 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Social Security state, of the Gibraltarians registered unemployed, as answered in Question No. 250/2012, how many of them are in receipt of any of the following: Social Assistance, Minimum Income Guarantee, the Community Officer's Wage, the Household Cost Allowance, and of any other source of income, or none at all, if this is the case?

1915 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, of the Gibraltarians registered as unemployed provided in answer to Question 250/2012, one was on Social Assistance.

1920 Any other source of income is not information that is available to the Employment Service in respect of persons registered as unemployed.

1925 **Hon. J J Netto:** Mr Speaker, yes, I do know the fact that it is not available to the Social Security Department, but just in the same way that there are questions which are being asked in relation to trying to get information of perhaps benefit, even when there are companies which are liquidated, perhaps the information is not given or collected by the Social Security Department but by the Treasury.

What I am trying to say is that, although it is not within the Social Security Department, it does not mean, for instance, that the officials cannot ask some other Government Department or agencies who may contain the information and be able to provide the information.

1930 **Hon. J J Bossano:** Mr Speaker, people are not required to make a declaration of income in order to register as unemployed.

1935 The Social Assistance is different because, in fact, when people register in the Employment Service, they are either getting Unemployment Benefit or getting Social Assistance, or they are getting nothing, so they fall into one of those three categories. If people have got a pension from work, we do not keep track of that, and I am not sure that the Income Tax Office is entitled, under the Data Protection Act, to provide information about people's sources of income, simply because they happen to be registered as seeking employment.

Hon. J J Netto: Obviously, Mr Speaker, what my question was designed to do was to find out, those

1940 people who are registered unemployed, particularly the age group that we are talking about in this particular question, whether they have a normal, decent level of income to be able to sustain themselves. That is what I am trying to get the hon. Member to state, but I can see that the hon. Member is saying they have not got that information and that is the end of the matter.

1945 **Hon. J J Bossano:** Mr Speaker, if by a normal, decent level of income, the hon. Member presumably means the Minimum Income Guarantee then, clearly, the answer to his question would be that all the people concerned must either be on the Minimum Income Guarantee or above it – that is to say the Minimum Income Guarantee.

1950 **Hon. J J Netto:** If the hon. Member would give way, that is part of the question, but the answer you gave me in your original answer was there is only *one* who is on Social Assistance.

Hon. J J Bossano: Absolutely.

1955 **Hon. J J Netto: Right,** so at least we know that *one* is on Social Assistance. Does it mean that all the other ones are in receipt of the Minimum Income Guarantee? Does he know that? That information is contained in the Department of Social Security.

1960 **Hon. J J Bossano:** Mr Speaker, short of the Department providing the names of the people who are –

Hon. J J Netto: I am not asking for the names.

Hon. J J Bossano: No, and you are not going to get them, even if you did. (*Laughter*)

1965 **Hon. J J Netto:** No, but I am not, Mr Speaker.

Hon. J J Bossano: The point is not... Short of –

1970 **Mr Speaker:** Order! Order!

Hon. D A Feetham: May I ask for the cheerleaders in the gallery to observe, to have respect for the proceedings and not to constantly laugh every time Mr Bossano makes a comment?

1975 **Mr Speaker:** The members in the public gallery are informed that you are welcome here to observe the proceedings but keep your participation to nil.
The Hon. the Minister.

Hon. J J Bossano: Mr Speaker, I think we should thank the Hon. Mr Feetham for reminding you how to do your job.

1980 I would not be able to give the hon. Member the information, or intend to do it. What I am saying is that the Department would have to say, 'Well, look, let's look at these 12 particular individuals and go to the Social Security people who operate the Minimum Income Guarantee.' I do not think that it is right for the Department to do that.

1985 If the hon. Member is worried that these people are seeking employment because they cannot make a living or they are on the breadline, then the only thing I can tell him is it can only be because they do not know that they can get the Minimum Income Guarantee. If they have no other income, they can get the Minimum Income Guarantee, *unless* the individuals... I do not know who they are, but unless the individuals are people who are not entitled to the Minimum Income Guarantee because of their nationality.

1990 **Hon. J J Netto:** Fine, Mr Speaker, but if he goes to the original question, I am talking about Gibraltarians registered unemployed. I am also talking about a very small number of people. We are not talking in the hundreds – I think we are talking about something like 40, if I remember rightly – and I am *flabbergasted* to know that the Minister for Employment, who is the Minister for Employment and Social Security, will not tell his own officials, both in Employment and in Social Security, to be able to work together to provide

1995 information, whether they are in receipt of the Minimum Income Guarantee or not. I am flabbergasted at his obstinacy in not providing the information.

2000 **Hon. J J Bossano:** Mr Speaker, no. The fact that the hon. Member chooses to want to know if 12 people who are registered unemployed are getting the Minimum Income Guarantee is neither here nor there. I do not think... For all I know –

Hon. J J Netto: Why?

2005 **Hon. J J Bossano:** I will tell him why: because there are 1,200 people unemployed, so why is he only interested in 12 of them? What about the other 1,998? Does he *care* if they are on the Minimum Income Guarantee?

2010 He gets it into his head that, because there are 12 people who are over 60, they must be on the Minimum Income Guarantee or they may not be on the Minimum Income Guarantee. I am telling him the only information that people are required to provide when they register is whether they are getting Unemployment Benefit or they are getting Social Assistance, and the Department is not going to go on an expedition to find out if they have got the Minimum Income Guarantee, Social Security pensions, Elderly Persons Allowance, occupational pensions, part-time jobs, money in the savings bank, all of which may or may not be the case. These people are registered. They are resident, they are entitled to register and they are treated as people seeking employment, irrespective of their income.

2015 **Hon. J J Netto:** Mr Speaker, I am not asking the hon. Gentleman what could be categorised as being a question which provides an enormous amount of work that the civil servants trying to extract information say, ‘This is too much in the period of five days.’

2020 We are talking about people, Gibraltarians – only about a group of 40 – who are registered unemployed in the Employment Service, and part of the question relates to the fact of whether they are in receipt... Given that they are between 60 and 64, whether they are obtaining the Minimum Income Guarantee. That part of the information is contained not in the Employment Service, but is contained in Social Security. Both Departments come under his Ministry. It does not take much for him to inform his senior civil servants on both sides, with the small number of people that I am talking about, whether they are in receipt of the Minimum Income Guarantee or not.

2025 It is not for him to tell me whether it is unreasonable, because other people – the 1,000 he is talking about – may wish to know, or not. It is *me* that asked the question and *he* who has to provide the answers. It is a very reasonable and fair question, given that we are talking about Gibraltarians between the ages of 60 and 64 who are registered unemployed, and part of the question is to say are they getting the Minimum Income Guarantee, or not?

2030 All that is required is for either a fax to be sent, or through those fantastic iPads that the Government seems to have, to inform one Department to the other as to the nature of the 40 people registered unemployed.

2035 **Mr Speaker:** I have understood the question and allowed it on several occasions, and the Minister *has* given an answer. You may not like the answer –

Hon. J J Netto: He will not give the answer.

2040 **Mr Speaker:** But that is the answer. If he wishes to –

2045 **Hon. J J Bossano:** It is not that I do not want to give the answer; it is that it is information that is not in the Department because people who register for unemployment over 60 are not required to declare sources of income any more than people under 60, and just because he has got into his head to put this as a supplementary to a previous question, where he cannot even remember how many there were... There were only 12, and he thinks there were 40: that is how much interest he has got!

Hon. J J Netto: Then it should be even easier to get the information...

Mr Speaker: Order! Order! Order! Order!

2050 The Minister to reply.

2055 **Hon. J J Bossano:** It has nothing to do with whether it is easier or difficult, Mr Speaker. It is a piece of information that he has got it into his head to put a supplementary, thinking there were 40 – which means he cannot be over-interested in their predicament because there was only 12 – and the information that I have given him is that the information in relation to employment that is relevant is Unemployment Benefit and Social Assistance. There is *one* on Social Assistance. The rest – something like 800 out of the remaining unemployed – we have no idea what income they have. They may all be on the Minimum Income Guarantee or Supplementary Benefit. The only people that we have got information about are Social Assistance, and the Department will not go to find out whether the particular group of 12 people over the age of 60 has any other source of income.

2060 Presumably, if I considered that this was a legitimate expedition to engage in, tomorrow he can come back and say what about the incomes of the under-25s or the incomes of the 15-18, or the incomes of any other age group. This is a completely arbitrary question, which is invented, to come up with, and the only relevance that there can be is that people who are unemployed presumably are seeking employment because they need it or seeking employment because they would rather be working. They may not be in need; they may simply want to work because they are over 60, they still feel fit, and they still want to work. After all, I am 73 and I am still here.

2070 **Mr Speaker:** I think that we must accept that as the... There must be a different supplementary now.

Hon. J J Netto: No, I am just going to end up by saying I am quite –

2075 **Mr Speaker:** No, with respect, supplementaries are to ask a question, not to end up by ‘saying’. Is there a question?

Hon. J J Netto: Yes: so much for the transparency of the new Government.

2080 **Hon. J J Bossano:** Mr Speaker, I have to answer that. The transparency of the new Government is *far far* greater than anything they did before because, in fact, from whether they want meetings to be public, minutes to be published, or anything else, the amount of information that they get is more than they were *ever* willing to provide.

2085 All I need to remind the hon. Member is the lies in the House when I was told that the information on all their labour statistics could not be provided on a monthly basis and had to be provided quarterly, and now that I am there, I know from the staff that this was not true, that they were provided for the Minister every month and the Minister did not choose to share it with the Opposition.

Hon. J J Netto: Well, Mr Speaker, I –

2090 **Mr Speaker:** Order! Order! Order!

Hon. J J Netto: In point of fact, Mr Speaker, those are the same officials who told me the opposite.

Mr Speaker: Well, let’s not get...

2095 **Hon. J J Bossano:** No, Mr Speaker –

Mr Speaker: Order! Order!

2100 **Hon. J J Bossano:** – They could not have told him the opposite because, in fact, I have got the files with the monthly figures from *his* time.

Mr Speaker: Order! We are not going to go into what the advisers told the Minister at the time, or now. Question 364.

2105

**Statutory Benefits Fund
Payments re employers' insolvency**

Clerk: Question 365. The Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Social Security and Employment provide a statement of the payments made from the Statutory Benefits Fund in respect of employers' insolvency since this question was last asked, showing the amount paid due to redundancy pay obligations, the amounts paid in respect of other sums payable to employees, and the numbers of companies involved?

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

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Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, since this question was last asked, the total amount paid in respect of redundancy pay was £163,329.20; in respect of annual leave, £1,596.49; in respect of notice of terminations, £45,112.39; in respect of an award from an Industrial Tribunal, £46,004.80; and in respect of wages arrears owed, £217.76.

In total, six companies were involved.

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Hon. J J Netto: Mr Speaker, normally, in the past when we have asked this question, myself or when they were in opposition, they normally provided the information in a schedule form because there are so many details there. Would the hon. Member not perhaps provide me with a copy of the answer just read?

Hon. J J Bossano: Mr Speaker, if somebody photocopies this, he can have it, yes.
It is for oral answer, actually, the question.

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Mr Speaker: There is no procedural requirement of any obligation to give it in writing. (*Interjections*) No, it is a matter of convenience and courtesy between both sides.

A Member: [*Inaudible*] provided before.

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Mr Speaker: It is not being withheld now. Let's keep it at that.

Hon. J J Netto: Mr Speaker, in relation to the six companies involved, could the Minister perhaps indicate from which particular industry group they emanate from?

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Hon. J J Bossano: Two were car sales companies, with almost identical names – I think they were related; one was a transport company; one was a nursery; the other I cannot tell what it is from the name; and the other one was a printing company.

I am quite happy to give the names. I have got no problem with giving the names, but they are people who have gone bust, anyway.

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

2150

**Victor Ochello, Unite
Meetings with Minister for Employment**

Clerk: Question 366. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, how many times has the Minister for Employment met with Victor Ochello of Unite?

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

2160 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer this Question together with Questions 367, 368 and 369.

2165 **Unite officials**
Requests for meetings with Minister for Employment

Clerk: Question 367.

2170 **Hon. D A Feetham:** In his capacity as Minister for Employment, how many requests for meetings has he received from Unite officials, indicating on behalf of whom those requests were made?

2175 **Unite officials**
Meetings with Minister for Employment

Clerk: Question 368.

2180 **Hon. D A Feetham:** How many times has the Minister for Employment met with Unite officials in his capacity as Minister, identifying the person he met with, the date of the meeting and its purpose?

2185 **Trade union officials**
Meetings with Minister for Employment

Clerk: Question 369.

2190 **Hon. D A Feetham:** How many times has the Minister for Employment met officials of any other trade union in his capacity as Minister, identifying the person, his or her union, the date of the meeting and its purpose?

2195 **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 to Question 366 is a few times, and the answer to Questions 367, 368 and 369 is none.

2200 **Hon. D A Feetham:** Can he elaborate on 'a few times', because the last time that I asked this question about the former regional officer of Unite, he had not met him a single time. How many is a few times?

Hon. J J Bossano: I am not sure if it is two or three. I do not keep a record. *(Laughter)*

2205 **Hon. D A Feetham:** Has he met with the convener of the GDC?

Hon. J J Bossano: Mr Speaker, the answer is I do not have meetings with union officials. Industrial relations is not my prerogative, and, as far as I know, the representative of the GDC staff works in my Department. I see him every day, but not in his capacity as a union official.

2210 **Hon. D A Feetham:** What about Mr Robba, who is the shop steward for the GDC? Has he met Mr Robba in his capacity as Minister?

Hon. J J Bossano: Mr Speaker, that is what I have just told him. I have got somebody who is a union representative of the GDC. There are people who are no longer in the GDC and therefore cannot be conveners

2215 of an organisation which does not employ them. So he may be acting under a misapprehension.

Hon. D A Feetham: Does the hon. Gentleman accept that he has presided over, and has been responsible for, some very significant – albeit we have criticised some aspects of it on this side, but pretty significant – developments in the area of employment in his time as Minister for Employment, ranging from the Future Jobs Strategy to the transfer back from the Civil Service of the GDC, the introduction of changes to the pensions legislation, to the Superannuation Fund that he has introduced? Does he accept that?

Hon. J J Bossano: Mr Speaker, I accept that I have done quite a few things from the manifesto already – not as much as I would have liked; I think I have been quite slow, actually – but I am glad to hear he thinks I have done a great deal.

Hon. D A Feetham: Does he not think that, perhaps, it is unusual, given the fact that he has done all those things, but even if he had not done all those things, that there is this dearth, lack of contact between yourself and officials of Unite and, indeed – but Unite in particular – in relation to these areas, I mean for example, in relation to the GDC?

There were a lot of concerns in the GDC about the amount of time that the hon. Gentleman was giving them to make a decision and there does not appear to have been any meeting with the convenor of Unite. Indeed, there was no meeting between the hon. Gentleman and, of course, the former regional officer, despite the fact that meetings were requested of him in order to discuss – does he not think that that is unusual?

Hon. J J Bossano: Not in the least. I do not think it is unusual at all.

Let me remind the hon. Member that Unite was defending the agreement that they entered into with the previous administration and all I did was to offer each individual, in an individual capacity, which was not a collective agreement with the union, the opportunity of staying in the organisation that they had previously been employed in on the basis, logically, that if there was any legitimacy in what the previous government had done, then it could only be that they had told people you are forced to vote for the Civil Service because the intention of the government is to discontinue the entity that is employing you.

Therefore, since we had a commitment not to discontinue, I thought that people who had been forced to make that decision on the basis that they could either choose to go, or choose not to have an employer, might want not to go if they knew that the GDC was going to continue. *That* did not require negotiation with anybody or representation from anybody because everybody was allowed to keep what they had which the union was responsible for negotiating and telling them that they had automatically all been made civil servants on 1st October.

The union got a letter from Mr Caruana which they took to a union meeting and they told the staff that the Leader of the Opposition and the union were both in agreement that they had all *ceased* to be employees of the GDC on 1st October. So, the man that wanted to see me could not be the convenor of the GDC, when he had ceased to be an employee of the GDC on 1st October. The people that had moved out were told that they could either keep what they had or, if they wanted, they could come back.

In my judgement, giving somebody more than he has already agreed to accept from a previous administration does not require a negotiation or a time to think, even though they had six weeks to think about it whereas, in the previous instance, according to them, – I was not there to see what they pursued – they were just told to go to the union and sign the agreement. There was no option: they signed it or they did not sign it. Even those that did not sign it were told that it still applied to them.

So my answer is I do not agree at all with his analysis but I can understand why he is making it, but not because it is a logical one.

Hon. D A Feetham: But is it not the case that all they were asking was for an extension of two weeks and a meeting with the hon. Gentleman to discuss several issues that concerned them. That was the – can he please confirm that that was all that these – a union official on behalf of their members were asking the hon. Gentleman to do?

Hon. J J Bossano: No... they were asking...

Mr Speaker: Order, Order.

2270 Before the Minister answers may I just – my memory may not be very accurate but before I invite the Hon. Daniel Feetham, was a similar line of question (**Hon. J J Bossano:** Exactly the same), proposed at the last sitting because there is, under Standing Order 17, a prohibition on raising matters which have been answered in the last six months. Does the hon. Member share my recollection?

2275 **Hon. D A Feetham:** There was questioning in relation to the GDC.
I am actually getting to....

Mr Speaker: Are we talking about the two week extension?

2280 **Hon. D A Feetham:** I am talking about... My line of question is going to go to a different matter now, but I do not think that I actually asked him this precise question that I have asked him now and, in any event, the line of questioning is not strictly about...

The point I am going to try and make is not about the GDC, it is a different point altogether.

2285 **Mr Speaker:** I will allow the Hon. Minister to answer. He seemed happy to answer it, but I just want to remind the Member, further questions will have to be avoided.

Hon. J J Bossano: If he wants to ask me the same question all the time I have no problem with that. I will give him the same answer.

2290 **Mr Speaker:** I do not wish the Hon. Minister to be bored with the same question.

Hon. J J Bossano: Well the answer is that what he has just said is not correct.

2295 It is not true that all they were asking was for a two week extension. They were asking for a *minimum* of two weeks without a maximum, and, in any event, they were asking that after they had already had six weeks and after they had a four hour meeting with me when I answered hundreds of questions.

2300 Therefore, since I was giving something to people to which they were not entitled and which they were not asking, and it was simply a gesture on the part of the Government of saying, on the premise that the previous government bulldozed you into going into the Civil Service because you had no option, because ‘I told you the GDC is going to be abolished, and if you are working in the GDC and I move you to the Civil Service and I say to you; you can either accept the new employer or you can stay in limbo because the old employer is disappearing – but then what choice do people [*inaudible*] – On the premise that, to be fair to the previous government, and say ‘Well, perhaps they were telling you, you had no choice because there was no alternative.’

2305 Since there *is* an alternative now, ‘You are being given the opportunity of changing your mind and saying I now want to leave the Civil Service’, given that the position of the union put in writing to me was that, whether they liked it or they did not, they had been made civil servants by fiat through the Public Services Commission approving a list provided by Mr Caruana to them – the first time that I have known, in all the years that I have been in this Parliament, that the Public Service Commission accepts a list of names and puts them all into the Civil Service, without vetting, without qualifications or without scrutiny. (*Applause*)

2310 Nevertheless, there were people who were not happy and they came back, and the answer was that those who wanted to come back came back, and those who wanted to stay, stayed, it was a completely free and democratic decision made by each individual. It was not a question of the majority taking a vote. If the majority had taken the vote, they would all be out of the Civil Service – because the people who wanted to stay in the GDC outnumbered the ones in the Civil Service by two thirds.

2315 **Hon. D A Feetham:** Is he aware that those individuals are so dissatisfied that they are now seeking a meeting with the Chief Minister of Gibraltar? My understanding is that meeting has been granted.

2320 **Hon. J J Bossano:** Well, I do not know whether they are or they are not but, of course, given that the Chief Minister of Gibraltar is, in fact, responsible for industrial relations and I am not, if they wanted a meeting with me to discuss industrial relations, the answer is I would direct it to the Chief Minister.

But I do know that he has got a number of people who are very close to him who keep him informed of every detail of every move I make in the office, whether I have tea, or I have coffee (*Laughter*) – the time I

2325 get in and the time I leave. I know that.

Hon. D A Feetham: The hon. Gentleman should not be so paranoid –

2330 **Hon. J J Bossano:** I am not.

Hon. D A Feetham: ‘Infamy, infamy! They’ve all got it in for me!’

Mr Speaker – is it not the case, and without beating around the bush, is it not the case that the hon. Gentleman simply has it in for some people within the leadership of Unite and, by hook or by crook, he is not going to meet them? (*Applause*)

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Hon. J J Bossano: Mr Speaker, I do not think the leadership of Unite feels that I am somehow mistreating them by not having a meeting with them. All I can tell him is that poor Mr Sisarello suffered for years at the hands of Mr Caruana, who actually refused to meet with other officials unless they kicked him out of the meeting.

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The only reason why I am not meeting the officials of Unite is that I am not meeting the officials of Unite, or the GTA or the GGCA or anybody else. I can tell him that there are union reps that do come and see me and I see them informally and not officially because, usually, they come because they come for my help and advice with their problems, given my experience in this business.

2345

Hon. D A Feetham: Yes. (*Interjection*)

Is it the case that the ones you do not want to see, you cannot see because you are not the Minister responsible for industrial relations but the ones that you do want to see – the ones that happen to be card-carrying members of the GSLP – you see them informally? (*Applause and laughter*).

2350

Hon. J J Bossano: I can tell him that there are more card-carrying members of the GSLP every day – I sign the cards! (*Applause*) Therefore, by natural progression, I will have to see practically the whole of Gibraltar in a few years’ time.

2355

Hon. D A Feetham: Does he not accept that, in fact, choosing... the Chief Minister used the term *a dedo* yesterday during the debate, I am going to use the same term. Choosing, *a dedo*, the trade union official who he wants to meet with and those that he wants to shun is capable of amounting to interference within the union because, at the end of the day, those union officials have to represent and do their best on behalf of their members, and if they cannot get access to the Minister for Employment those members are going to say ‘Well, look, how are you representing my interests if you can’t get a meeting in front of the Minister for Employment?’ or is it that, in fact, that is precisely the effect you want to bring about? That you want to send a clear message to union members that *these* are the ones that I am prepared to deal with but not these?

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Hon. J J Bossano: Well, Mr Speaker I do not know who has put these strange ideas into the hon. Member’s mind or whether it is just that he makes them up as he goes along.

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I have told him that the people that come to see me are the ones who come to see me because they want my views or my advice on problems, not because they are coming to see me to negotiate with me on anything. I do not negotiate with any union on anything because industrial relations is part of the responsibility of the Chief Minister.

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In the previous administration, Mr Montiel had the title after his name that he was responsible for industrial relations but we all know that, in fact, everything was done in 6 Convent Place, and now everything is done in 6 Convent Place, and I do not have the title, I do not have the responsibility, I have got other things to do, but *any* trade union official that thinks that I can be of help to him on any problem he has got – from Mr Ochello down is welcome to give me a ring to get my assistance and my help but not to come and negotiate with me because I am not responsible for negotiating with any union. (**A Member:** Hear, hear.) (*Applause*)

2375

Hon. D A Feetham: Yes. So, therefore, he must accept, arising out of the answer that he has given me, that you do not necessarily just simply see a trade unionist in order to negotiate terms on behalf of their members but you can have a situation where trade unionists want to sit down with the hon. Member, so the hon. Member can explain to them what his plans are and, indeed, vice versa, if, for example, they may have a

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concern.

Or is the hon. Member suggesting that if a trade unionist in Gibraltar... in fact, we are talking about Unite here, because that is the aversion that the hon. Member has – it is to the leadership of Unite – but if the leadership of Unite, or the convenor of Unite for the GDC, has a particular problem that he may want to air, not necessarily an industrial dispute, is he seriously suggesting to this House that he should go to No. 6 Convent Place and see Mr Picardo?

2385

Hon. J J Bossano: We do not have a convenor of Unite for the GDC. I do not know where the hon. Member gets this strange idea from.

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I can tell him that the two people that came most recently to see me came to see me about getting my views on some problems that they had with other employers, nothing to do with me or the Government, and I said, look... I mean, sometimes, people come and ask me about agreements that have been done many years ago, or stuff like that. Now, that kind of relationship I am happy to have with anybody. But if somebody comes and says 'I want to put a claim for this', I say this is not the place where we will receive claims. It is as simple as that.

2395

Hon. D A Feetham: Well, in fact, the convenor for the GDC is Mr Albert Hewitt unless, of course, Unite in their correspondence to the hon. Gentleman – which I have copies, have copied to Mr Albert Hewitt, Convenor of the GDC, – unless they are themselves mistaken about what their convenor actually does, there must be a convenor for the GSD. *(Laughter and interjections)*

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Hon. J J Bossano: But, Mr Speaker, *(Interjections)* I mean it is not for me to pass judgement on the expertise within Unite but, at the same time as they were sending that letter, that there was a convenor for GDC, they were sending the letter that nobody was employed in the GDC any more, that the GDC had no employees and that everybody was a civil servant.

2405

A civil servant cannot be the convenor of an employer that does not employ him.

Hon. D A Feetham: Mr Speaker will the hon. Gentleman accept at least this from me today, that it is both desirable and, indeed, necessary for the Government and, in particular, its socialist Minister for Employment to have good relations with the leadership of Unite and can I urge upon him to perform a U-turn in his attitude to the leadership of Unite and ensure that, going forward, there are those good relations?

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Hon. J J Bossano: Mr Speaker, I can well understand that he should recommend to me that I should do U-turns, given the number of U-turns that he has done. But I do not believe in doing U-turns, so I am afraid I am not going to take his advice.

2415

Hon. D A Feetham: Just, finally, this question – if he once said, in fact, that he made Margaret Thatcher look as if she was in kindergarten, in response to a question from GBC?

Is he now taking a leaf out of Margaret Thatcher's book and using the words that she used to some Members of the Conservative Party in 1986 and saying:

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'You turn, if you want to. The lady'

– in this case, the hon. Gentleman –

2425

'is not for turning'

in his attitude to the leadership of Unite?

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Hon. J J Bossano: No, I am telling him that I do not do U-turns not because Margaret Thatcher did not do them but because I have never done them.

Therefore, the answer is that if the hon. Member thinks that I am going to take his advice and change my mind on something that I think I am right in the position that I am taking, which is that people who are in the union – in *any* union, including Unite – or in no union at all, can continue to come to see me, not in my capacity as Minister for Employment, which does not deal with unions – the Department is not the

2435 Department that deals with unions – but in the same capacity as they used to come to the GSLP offices before, when Mr Ochello used to come there for advice and Mr Sisarello used to come there for advice and the only problem they had was that they had to come in through the back door because they knew the *risk* that they were running if the message (*Interjections*) got back to Convent Place.

2440 **Mr Speaker:** Would this be a convenient moment for a short recess. We have been at it for three hours. This House will recess for ten minutes.

*The House recessed at 6.30 p.m.
and resumed its sitting at 6.45 p.m.*

Procedural

2445 **Deputy Chief Minister (Hon. Dr J J Garcia):** After the tea break, I have the honour to move that the House do now adjourn to Tuesday, 22nd May 2012 at 9.15 a.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday, 22nd May 2012 at 9.15 a.m.

2450 I now put the question, which is that this House do now adjourn to Tuesday, 22nd May 2012 at 9.15 a.m. Those in favour; (**Members:** Aye.) those against. Passed.
This House will now adjourn until Tuesday, 22nd May 2012 at 9.15 a.m.

The House adjourned at 6.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 11.27 a.m.

Gibraltar, Tuesday, 22nd May 2012

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

Questions for Oral Answer

HOUSING AND THE ELDERLY

Questions 411, 414 and 430 Supplementary information

Clerk: Sitting of Parliament, Tuesday, 22nd May. Answers to Questions continue.
The Hon. Edwin Reyes.

Hon. E J Reyes: Good morning, Mr Speaker, sir.

With your leave, I would like to record in the House that, further to the question-and-answer session of

10 last Friday, the Hon. the Minister for Housing has already furnished me with some information that I had requested and we had mutually agreed to make it available. These refer, sir, to Questions 411, 414 and 430, and with your approval, I will let the Clerk have a copy of the information provided to me by the Hon. the Minister for Housing, so that they may, as well, be included in the *Hansard* record.

Mr Speaker: Thank you.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful to the hon. Gentleman for having clarified that the information has been provided.

Just a procedural point: I do not know that it is possible for us to record in *Hansard* something that has been given outside the House, other than by tabling it here, not simply by saying that it has been passed to the Clerk.

20 In future, perhaps the way to do it may be if the hon. Gentleman has the information... Does he have it with him now? I propose that he table that information now, rather than simply just provide it to the Clerk afterwards and that, as a result of this exchange and the tabling of it, it is therefore necessarily included in the *Hansard* as the document to which we are referring in this exchange.

25 **Mr Speaker:** Yes, I think that might be a preferable method, a more formal method. Perhaps the hon. Member would formally table.

Hon. E J Reyes: I agree, Mr Speaker.

30 To be further clear on this record, the Principal Housing Officer did call me up yesterday and said they had information available – ‘Do you wish to collect it from the office?’ – and I recommended that the Hon. the Minister for Housing actually handed it himself into the House. When I came in this morning, the Clerk very kindly said, ‘The Hon. Charles Bruzon has left an envelope with your name on it’, and I have opened it, which is why the Clerk was unable himself; but I tend to agree that that, in fact, was my initial reaction.

35 As for the record, what should have happened, we both understand the same thing. It is really the Hon. Minister handing me the questions via the Speaker’s Chair and that is the correct way for recording it, so I agree and thank the Hon. the Chief Minister for that clarification.

What we all want is, since the information has been provided, it is only fair that it be recorded that the Minister for Housing has kept to his word and has been rather efficient for handing it in by first thing on Tuesday morning.

So thank you.

40 **Mr Speaker:** Obligated. Formally tabled, then.

ANSWER TO QUESTION 411/2012

A total of 99 of the 962 applicants on the Government’s Housing Waiting Lists as at 9th December 2011, have been allocated a flat, as follows:

	Post-War	Pre-war
1RKB	2	-
2RKB	13	2
3RKB	43	4
4RKB	29	2
5RKB	3	-
6RKB	-	1
TOTAL	90	9

Of the 99 flats allocated, the following were on the Government's Waiting List and other lists:

	1RKB	2RKB	3RKB	4RKB	5RKB
Medical A+	-	1	2	1	-
Medical A	-	2	1	-	1
Medical B	-	1	-	-	-
Medical C	-	-	1	-	-
Social A	-	4	9	4	-
Social B	-	-	-	-	-
Social C	-	1	-	-	-
Decanting	1	-	1	2	-
Approved Exchange	-	-	2	1	-
Pensioner Exchange	-	-	1	-	-

ANSWER TO QUESTION 414/2012

There are currently 1662 applicants on the Government's Housing Waiting Lists as of today's date (21.5.12). The breakdown is as follows:-

	Waiting List	Pre-List
1RKB	794	435
2RKB	54	40
3RKB	116	69
4RKB	84	46
5RKB	11	9
6RKB	2	2
TOTAL	1061	601

There are 1061 applicants on the waiting list who are also applicants on other lists, as follows:

	1RKB	2RKB	3RKB	4RKB	5RKB	6RKB
Medical A+	1	-	-	3	1	-
Medical A	5	2	-	1	-	-
Medical B	3	2	-	1	-	-
Medical C	4	3	-	1	-	-
Social A	29	1	2	4	1	-
Social B	3	-	-	-	-	-
Social C	1	-	-	-	-	-
Decanting	1	-	-	1	-	-
Approved Exchange	2	-	1	2	-	-
Pensioner Exchange	3	1	-	-	-	-

There are 601 applicants on the pre-list who are also applicants on other lists, as follows:

	1RKB	2RKB	3RKB	4RKB	5RKB	6RKB
Medical A+	1	-	-	-	-	-
Medical A	2	-	2	-	-	-
Medical B	1	1	2	-	-	-
Medical C	5	-	-	-	-	-
Social A	3	-	1	2	-	-
Social B	-	-	-	-	-	-
Social C	-	-	-	-	-	-
Decanting	-	-	-	-	-	-
Approved Exchange	1	-	-	1	-	-
Pensioner Exchange	4	-	-	-	-	-

ANSWER TO QUESTION 430/2012

Since the 9th December 2011, a total of 9 employees have been retired/transferred as follows:-

No. of Employees Transferred	No. of Employees Retired	Date Retired/Transferred
-	2	31 December 2011
1	-	6 February 2012
-	1	13 March 2012
2	-	14 March 2012
2	-	19 March 2012
-	1	6 April 2012
5	4	

As to new employees, none have been engaged since 9th December 2011.

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Gibraltar Car Parks Ltd

Number of applications for parking spaces pending

45

Clerk: Question 432/2012, the Hon. D J Bossino.

50

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services state how many applications are pending the provision of parking spaces by Gibraltar Car Parks Ltd?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

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Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

[see Table overleaf]

Answer to Question 432 of 2012

Current waiting lists are as follows:

Devils' Tower Road	6 (non residents)
New Harbours	39
Ragged Staff	27
Sandpits	33
Willis's	47
Eurol plaza	63
Total	215

In total there are 215 people on waiting lists for the different car parks operated by Gibraltar Car Parks Limited.

60 **Hon. D J Bossino:** Can the Minister clarify? There is an entry here which refers, at the very top, to Devil's Tower Road and it has six applicants on the waiting list. Can the Minister clarify what is meant by the words '(non-residents)'?

65 **Hon. P J Balban:** In the particular case of Devil's Tower Road, because the take-up for parking spaces was so few, in that not many people actually wanted a parking space there, the offer was actually extended to people who were not resident in that particular area, which means to say that people from the south or people from other districts in Gibraltar could apply to take up one of those parking spaces. That is what is meant by 'non-residents'. It means non-residents of the particular area of the North District.

70 **Hon. D J Bossino:** By the North District, does the Minister mean the North District Scheme, under the Parking Scheme? Is that what the area around the Devil's Tower Road encapsulates?

Hon. P J Balban: Yes, that is right.

75 That was what was inherited. That was the area which was the area for the car park, so when we say 'non-residents', it means non-residents of that particular area who were assigned the possibility of using that car park for monthly rentals.

Hon. D J Bossino: The Minister says that it was then opened up to applicants in other areas. When did that change of regime occur? Does he know?

80 **Hon. P J Balban:** I believe that was already happening prior to 9th December. There were already persons in that car park who were not part of that area. With the car park being so large, and because the take-up was so poor, other people applied and they were granted places in that said car park.

85 **Hon. D J Bossino:** Is the Minister able to indicate to the House now whether there has been an upward or downward trend in the numbers of people waiting for parking spaces?

Hon. P J Balban: Are you referring specifically to that car park?

90 **Hon. D J Bossino:** By way of clarification, I am not: generally.

Hon. P J Balban: Waiting lists for that car park... Devil's Tower Road car park has always been a problem to try to use to maximum capacity. As I said, not many people want to use it. In fact, every single resident who wants a space there has been granted one.

95 In other car parks, turnover has been generally slow because, obviously, the car parks have been smaller and residents in the surrounding area have taken up those car parks, so really the trend has remained the same. In some areas, the waiting lists can be as great as two years, to get a parking space in a particular car park.

Hon. D J Bossino: It may be the subject of questions in relation to another question which is on the Order Paper, but is it right for me to assume and to anticipate that the six non-residents who are waiting for parking

100 spaces in the Devil's Tower Road are likely to receive a positive result of their application?

Hon. P J Balban: What has happened there, because obviously... because there are people that move households, it would be unfair for us not to allow a certain... We have actually allocated a few parking spaces which are vacant, in case people decide that they want to have a... This is why there are six on the waiting list at the moment, because there are a few parking spaces which have been left there, just in case.

Hon. S M Figueras: Mr Speaker, perhaps the Hon. Minister can provide a little bit more clarification in respect of the mechanics of the waiting lists themselves.

110 He has, in fact, referred to the fact that there are people on waiting lists for different car parks, as they have expressed an interest in being there. Are all those individuals on these waiting lists? Or rather, have all the individuals on these waiting lists expressed an interest exclusively for the specific car park under which they are listed, or is the Minister aware of any proportion of the individuals that would be happy to obtain a car park elsewhere, or anywhere for that matter, from this particular list?

115 **Hon. P J Balban:** I am not entirely aware of that part of things. I am aware that, obviously, there are some, for example, in the park-and-ride down Devil's Tower Road. People from other areas have applied for that if they have failed in another area.

120 In the south, I believe residents have a choice because the car park down in New Harbours and the one at Sandpits are really in the vicinity. They have a choice of two parking spaces there. That is as far as I am aware.

Hon. S M Figueras: Sorry, just for clarification... So, then, depending on the area in which you live, you are given a choice of parking as to the waiting list on which you can go. Do I understand correctly?

125 **Hon. P J Balban:** There has been no change of policy. What we inherited is what we do at the moment, which means that when we came into Government I checked the lists and there were areas – there were parking garages, car parks – where not everyone there was a resident. They came from other areas.

130 For example, I believe in Willis's Road there were a few areas in which there were persons there renting who lived further out. So there has been no change in that respect.

Pelican crossing, Europa Road Government plans

135 **Clerk:** Question 433, the Hon. D J Bossino.

140 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether the Government has any intention of installing a pelican crossing at Europa Road in the area of Brympton/Mount Road?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

145 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government will be placing a new pelican crossing at Europa Road in the area of Brympton/Mount Road. This will be undertaken as soon as the equipment arrives.

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

150 The reason why I asked this question was because I received representations from residents in particular of the Brympton area. I am aware that there are elderly people who actually take the bus going in a southerly direction, to eventually go into the centre of town, in order not to cross the road because it is simply so dangerous for them, so I am grateful for the confirmation that I received this morning from the Minister in the House.

The obvious supplementary to the answer he has just given is can he give an indication to this House as to

155 when he expects that the equipment will be readily available?

Hon. P J Balban: The equipment has actually been ordered by the GEA and that equipment obviously comes from the UK, so it generally takes around four months for this system to arrive. So, obviously, we do not have a definite date for that as yet. Okay?

160

Hon. D J Bossino: He has given an indication to the House as to how long it normally takes and he says four months.

Do you know when the equipment was ordered? Does the Minister know when the equipment was ordered?

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Hon. P J Balban: I am not entirely sure of the exact date, but I would assume it was within the last month.

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**Pelican/zebra crossing, access road to Coaling Island
Government plans**

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Clerk: Question 434, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether the Government has plans to set up a pelican or zebra crossing by the access road to Coaling Island?

180

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Government does not have plans to place a pelican or zebra crossing by the access road to Coaling Island.

185

Hon. D J Bossino: Yes, interesting response – I expected that the answer was going to be completely different, only because, Mr Speaker, the infrastructure seems to be in place already, where there are... maybe this is not the correct jargon but, basically, the pavements on either side are dented.

I think... I am not sure whether the Minister is aware of the exact location I am thinking of and it is certainly not set out in the question, but I think it would be a very useful place to have a zebra/pelican crossing. Would the Government reconsider its current position?

190

Hon. P J Balban: Can the hon. Member actually specify where exactly – I am assuming that this is between King's Wharf and the new Mid Harbour Estate?

195

Hon. D J Bossino: Yes, I am sure that is correct.

Mr Figueras has assisted me and, as he quite rightly says, the location is just off the roundabout.

Hon. S M Figueras: And if it might be of further use to the Minister, the infrastructure my hon. Colleague has referred to is the indentation in the road to give access to wheelchair users to the road – hence the question, I suspect.

200

Hon. P J Balban: Normally what happens in these cases is a member of the public, or somebody actually writes a letter into the Department. It is tabled at the Traffic Commission and the Traffic Commission, the highways inspectors and technical staff go on site to assess whether there is a need for some sort of crossing in the area or not.

205

What happens is that they take statistical data by way of traffic counters and then if there is a sufficient amount of pedestrians crossing, then the view is taken as to what sort of crossing system is required, be it a zebra crossing, a pelican crossing, or what have you. So that is how the ball starts rolling.

Hon. D J Bossino: So just to interpret the initial response from the Minister: the position is not that the

210 Government has no plans because it has taken a firm decision that a zebra crossing was not to be placed there; it is simply that it has not considered it.

Hon. P J Balban: It is simply the case that the issue has not been highlighted: there has been no request for it and as such, there is nothing...

215 My particular view is I would assume that very few people use that crossing, personally, compared to others but, again, that would have to be evaluated by means of collecting data and ascertaining. Again, it has not been tabled to the Traffic Commission, because a request has not come forward.

220

**Eastern Beach parking provision
Government plans**

225 **Clerk:** Question 435, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the provision the Government will be making in respect of parking at Eastern Beach and how soon it is expected this provision will be made?

230 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the total parking provision derived from the Eastern Beach beautification scheme currently being undertaken is 158 car-parking spaces, which includes two disabled bays. This is scheduled for completion by 8th June 2012.

235 Following the demolition of the Mediterranean Hotel building, the area will be embellished and an additional seven car parking spaces, including one disabled bay and 36 motorbike spaces, will be provided. This is scheduled for completion in July 2012.

240 In addition to the foregoing, the following additional spaces will be available: 122 car parking spaces on the Eastside reclamation area; seven car parking spaces, including one disabled parking bay, opposite the northern changing rooms; 18 motorbike spaces directly opposite the northern changing rooms; 30 motorbike spaces at the entrance to the beach; 16 centrally located along Eastern Beach Road near the substation; an unquantified number on the Aerial Farm, as has been the case in previous years.

245 In summary, there will be provision for approximately 294 car parking spaces and 100 motorbike spaces, plus an unquantified number on the Aerial Farm.

Hon. D J Bossino: Mr Speaker, by way of clarification, in relation to that last list the Minister has just read through, starting from the 122 car parking spaces, I think the total the Minister mentioned was 194.

250 **Hon. P J Balban:** The whole total?

Hon. D J Bossino: Yes, what was the last figure the Minister...? Maybe I can ask that.

255 **Hon. P J Balban:** I said that in summary, there will be provision for approximately 294 car parking spaces and 100 motorbike spaces, plus the unquantified number at Aerial Farm.

260 **Hon. D J Bossino:** In relation to that last bit, the Minister has not given a date as to when it is expected that these will be available. He has given dates in relation to the seven car parking spaces and 36 motorbike spaces for some date in July and then, prior to that, there will be 158 – he mentioned there would be 158 parking spaces, which would include two disabled car-parking spaces to be made available on 8th June. But in respect to the last batch, is the Minister able to advise this House as to when those will be ready?

What concerns me, what is playing on my mind, just to assist the Minister, is, given the impending bathing season, whether he thinks that these will be available for Eastern Beach users by then?

Hon. P J Balban: Parking facilities will be as every other year.

265 It is only those that I have given specific dates to which are the ones, obviously, which will not be ready by the commencement of the bathing season. Other than that, all other parking spaces mentioned without the given dates will be available by the start of the bathing season.

270 **Hon. D J Bossino:** I am grateful to the Minister for that confirmation.

Hon. S M Figueras: Mr Speaker, I take it from the omission from the Hon. the Minister's response to the original question that no bicycle parking facilities will be provided at the beach?

275 **Hon. P J Balban:** That is right.

**Devil's Tower Road multi-storey car park
Use by vehicle importer companies**

280 **Clerk:** Question 436, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting times it takes vehicular traffic to cross –

285 **Clerk:** Question 436.

Hon. D J Bossino: I am asking the wrong one, am I? (**Mr Speaker:** Yes.) I do apologise, Mr Speaker. I have not woken up yet. (*Laughter*)

290 Can the Minister for Traffic, Health & Safety and Technical Services advise the House how many parking slots have been allocated for use by vehicle importer companies at the Devil's Tower Road multi-storey car park pursuant to the licence agreement it has recently negotiated and, consequently, how many are available for public use?

295 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, in total, 500 parking spaces have been allotted for the use of vehicle importer companies at the Devil's Tower Road multi-storey car park. This leaves 170 spaces available for public use.

300 **Hon. D J Bossino:** Mr Speaker, I take this opportunity to ask the Minister whether the Government has, at this stage, reached a final decision as to whether it intends to proceed with the use of that parking facility as a park-and-ride facility.

305 The answer, I think, at the last session of the House, which was now two months ago, was that no final decision had been made by the Government.

Hon. P J Balban: The position remains the same.

310 **Hon. D J Bossino:** Given that two months have transpired since I last asked the question in a supplementary, can the Minister give this House an indication as to when he thinks that the Government will be in a position to have a firm policy with relation to this issue?

315 **Hon. Chief Minister:** Mr Speaker, there is an issue here which cuts across a number of ministries. There are issues relating to what will happen to the north of the runway, which may impact on where the best place to locate park and ride schemes may be; and also, of course, the issue of what you might call the Western Beach reclamation, although it does not impact the beach – the hon. Gentleman knows which reclamation I am referring to – the one that comes from the windsock down to what was the old slipway there, which was a matter that was being pursued by the previous administration, in discussion with the vehicle importer that is now using a number of spaces in the Devil's Tower Road car parks, which impact on the

320 ability to use those car parks as a park-and-ride.

In the event that the Western Beach reclamation, as it is known, were to be completed, then you would see the vehicles that are there from the importer going to that reclamation as part of that scheme, which would free up a lot of parking spaces up there. But, in any event, there may be other issues, north of the runway, which may make it easier to have a park-and-ride scheme very close to the frontier, which would decongest even Devil's Tower Road from vehicles coming in that far.

325 Those things are the ones that are in the mix. One of them will happen sooner than the other – or one determination will happen sooner than the other – and those are the issues that impact on what happens to the Devil's Tower Road car parks.

330 **Hon. D J Bossino:** I am grateful to the Chief Minister for that reply.

It is, in fact, as I understand it, his party's, the GSLP's, commitment at the last General Election to build park-and-ride facilities closer to the border. Presumably, that is still going ahead and the only issue which the Government is considering is the location of those facilities.

335 **Hon. Chief Minister:** Mr Speaker, that is right; but of course, as I was saying to the hon. Gentleman and he, the present Leader of the Opposition, knows better than me, given the time that he has been in Government, Gibraltar is a jigsaw puzzle.

340 So, a tunnel under the runway, or some other mechanism that is going to cut through Winston Churchill Avenue may determine what you can do in the area from the frontier to what are presently the northernmost barriers to cross the runway. If you do not have that, then you have still got a dual carriageway, north and south, coming up to the area of the Rotunda, that you need to provide for.

345 If you do not have that road and it is going somewhere else, then you have got a greater margin of flexibility as to what you can do in that area north of the runway. So the tender that is being issued in respect of the tunnel, the redevelopment of the area of the Rotunda, the Western Beach reclamation, all of these things are in the mix and have to be determined, in order to have clarity as to what might happen *inter alia* in respect of the Devil's Tower Road car parks, as they are at present.

350 **Hon. D J Bossino:** It may be unfair and unreasonable to pose this question to the Chief Minister, Mr Speaker, but perhaps he can assist this House: the original supplementary related to timings. When does the Government envisage that there will be a conclusion and a determination as to what is going to happen in relation to the issue I have just been posing questions on?

355 **Hon. Chief Minister:** Mr Speaker, I will tell him honestly, that 'as soon as possible'.

But there are issues, as the hon. Gentleman and the Leader of the Opposition will know, about environmental impact assessments etc. which relate to the Western Beach reclamation, which will take some time to determine. There is the issue of the tender documents in respect of the tunnel, etc. All of those things are not things that will happen immediately and they are, as I told him, in the mix.

360 So it may be that you do not have to wait for all of those things to be determined to be able to move on, but some of them do have to happen.

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

365 **Hon. P R Caruana:** Mr Speaker, there is a commercial arrangement in place with a particular party who is involved in that reclamation which serves what I believe is one of the most worthwhile industrial projects in Gibraltar. That is in the mix, too, as is the fact that he knows there is severe political opposition from other places, for that reclamation to go ahead. All those factors were taken into consideration by us and the decision made to proceed.

370 He has invoked me and my presumed knowledge. As far as I was aware, all the environmental questions that have been raised by the environmental impact assessment had been resolved and all that was at stake was the final Ministry of Defence... in connection with the proximity of the airfield type issues, but that was that.

I think the project was slightly more advanced than the hon. Member's answer suggests.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman will forgive me for saying that the understanding I have been given is not that, and that there are issues as to the *shape* of the reclamation.

375 I think there was more than one shape proposed, so that other industrial activity might also be able to happen in that area, related to yachting, and that the environmental impact assessments varied, and that we do have to go through another process there. But I think that what is clear is that we both agree that that is an area where that sort of activity should be ongoing.

380 We have now received – I do not know whether it was at the tail end of his time – the MoD’s concerns about that, which do not impact as to the... The MoD’s concerns do not impact as to shape; they impact only as to the distance between the runway and where the *active* industrial activity needs to be, so there is a bit of a corridor that needs to be left relatively vacant; and the *mechanism* for reclamation, which is also a relevant issue, given that – and I do not know whether he was aware of this or not – the reclamation cannot be done in the way that the Westside reclamations were done because that could attract to the dead molluscs in the area a lot of birdlife, which near the runway you cannot have.

385 But this reclamation, as far as we are concerned, is a runner. We are talking already to the principal party commercially involved – because there are others – and it is something that should happen, in our view, as soon as it is possible to start work.

390 **Hon. P R Caruana:** Yes, well certainly, Mr Speaker, that is very welcome news.

I suspect that this was one of those issues where Gibraltar might benefit from a private conversation between us. There are people who adopt positions and they are not necessarily what they appear, in terms of whether they would like to see this happening or not, and the mechanisms that they use to delay it or bring it about, and it is just as well that the hon. Member is aware of those. He can assess them for himself. He can decide whether I was paranoid or realistic but, certainly, I would be grateful for the opportunity, which I can do here in the anteroom, just to give him one or two indicators that he might want to look out for.

395 But certainly, the Opposition is delighted that the Government is committed to reclamation in that area for those purposes.

400 **Hon. Chief Minister:** Mr Speaker, I am grateful for that indication and I will be taking the Leader of the Opposition up on the offer of a private chat about it.

He will know that, at the time that we were on the Opposition benches, we were not raising any opposition to this proposed reclamation, and our questioning about the issue used to be about timing as well. So on that issue, I think, both sides of the House would see this as a reclamation which is in the economic interests of Gibraltar and should go ahead.

405 **Hon. S M Figueras:** Mr Speaker, just bringing the issue back to the original question and to the Hon. the Minister for Traffic, were individuals on the waiting list, however long or otherwise the waiting list would have been at the time of the change in use of the multi-storey car park, consulted as to whether they may be interested in taking a space at the Devil’s Tower Road car park before the change of use?

410 **Hon. P J Balban:** There were adverts in the press regarding the take-up of any offer, if anybody actually wanted a parking space but, really, that car park has just never had the interest shown by residents in the area. So we have seen that it was just becoming an empty car park. The Government decided to use it for alternative reasons.

415 **Hon. D J Bossino:** Following on from my hon. and Learned Friend’s question, given the information we received, which is that there are 170 car-parking spaces available and given that the total number of applicants on the waiting list amounts to 215, I wonder whether the Government would seriously consider and make perhaps a greater effort to open up these parking spaces to anybody who is *currently* on the waiting list. That would, I think, go some way to reducing the waiting list quite substantially.

420 Just if I may, Mr Speaker, one of the reasons why we have asked this question is we have received representations from individuals who were potential applicants, but they were really put off by the information that they had received, which was that the waiting lists were quite long, and therefore they never bothered to apply. But if the Government has available to it in its resources, 170 spaces, it may make life easier for those current applicants and those who may wish to apply and have not because of the information that they have been receiving from the relevant authorities.

425 **Hon. P J Balban:** You are obviously referring to people who do not live in that area. The people who

430 have shown interest have been people who are not residents of that area, I assume. Is that right?

Hon. D J Bossino: The hon. Member is asking me the question, but I... *(Interjection)* It is irrelevant. *(Interjections)* It is irrelevant to the question which is posed.

435 The question is would the Government consider opening up the 170 spaces to the other 215 applicants and thereby assist in the reduction of the waiting list and make the life easier to those applicants?

Hon. P J Balban: Well, in fact, the 170 spaces which are available are available for people who go to the area, be it for funerals or be it for commercial purposes, to buy or whatever, or visit the family at the estate. So those 170 spaces are not up for grabs. They are part of the pay-and-display or the actual pay-as-you-go system in the car park.

440 **Hon. D J Bossino:** So the answer would be that, as far as the Devil's Tower Road multi-storey car park is concerned, it is fully booked at this stage?

445 **Hon. P J Balban:** There are just a few spaces available, as I said, for any person living in the area who decides that they want a parking space. As I said, there are a few spaces available for that purpose. Other than that, it is taken, yes.

450 **Hon. D J Bossino:** Mr Speaker, can the Hon. Minister advise this House what he means by 'a few' and whether this could go some way to tackle the six applicants who have expressed an interest in the Devil's Tower Road multi-storey car park?

455 **Hon. P J Balban:** No. Actually 'a few' means three to five parking spaces left available and, as I said, they are specifically just in case someone moves dwellings and decides that they want parking in that area. That is what it is there for, just to keep the buffer there.

**Vehicular traffic crossing the frontier
Average waiting time**

460 **Clerk:** Question 437, the Hon. D J Bossino.

465 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it takes vehicular traffic to cross the frontier, broken down on a monthly basis over the preceding five months?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

470 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

Answer to Question 437 of 2012

VEHICLES LEAVING GIBRALTAR

2011	No. of days with ...		Days with Queues			2012	No. of days with ...		Days with Queues		
	No Queues ¹	Queues	Av Waiting Time	Highest Average	Lowest Average		No Queues ¹	Queues	Av Waiting Time	Highest Average	Lowest Average
December	5	26	25 mins	40 mins	11 mins	January	7	24	19 mins	43 mins	8 mins
						February	1	28	28 mins	56 mins	13 mins
						March	2	29	28 mins	56 mins	16 mins
						April	4	26	30 mins	52 mins	15 mins

¹ "No Queues" means that 4-lane queues were not in operation in Gibraltar.

**Frontier area policing
Officers deployed over last five months**

475 **Clerk:** Question 438, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the manpower deployed at the frontier area over the last five months, to include the number of RGP police officers and Highway Enforcement Officers, the hours spent policing by these officers and the consequential costs incurred as a result of such deployment?

480

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the RGP has recently undergone an HR restructure and some officers have been redeployed to police traffic matters, including the frontier queues and security in the area.

485

From 0700 hours to 2200 hours on a daily basis, there are always two permanent police officers deployed to the area. This, however, is augmented during the course of the weekdays, particularly in the afternoons after 1600 hours when there is greater volume of traffic and diversions are implemented for phase two of the frontier loop and Devil's Tower Road. To achieve this, three police officers are deployed to the frontier for phase two implementation and a further three officers are deployed for the Devil's Tower Road/Sundial/Third Lane implementation. The length of time that these officers spend at this location depends entirely on the volume of traffic and the duration that the diversions are maintained.

490

Police deployment for these diversions can vary on a daily basis, so to obtain an accurate figure is impossible.

495

With respect to the Highways Enforcement Officers, they commenced frontier queue duties during the last week of January 2012. On average, there are three officers on duty only when the queues are formed. So figures for January, for the last week only, through to 9th May, the total hours worked are 500 and the total direct costs are £8,350.

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Hon. D J Bossino: From the information there, Mr Speaker, would it be possible – I know it is going to be recorded in *Hansard* and we expect *Hansard* to be printed very soon – can the Hon. Minister perhaps provide me with a copy of the reply? I would be grateful for that.

505 **Hon. P J Balban:** Yes.

Hon. D J Bossino: Whilst I wait for the reply, I know it is not his area of responsibility, certainly not the Government's, but does the Minister know when the Human Resources restructure of the RGP took place?

510 **Hon. G H Licudi:** Mr Speaker, this is a matter which is work in progress. It has started. It has not been completed. It is a matter that I have been discussing with the Royal Gibraltar Police for a number of months.

I should add that, in particular, the discussions on the restructure have taken place since there has been a change of Commissioner and Commissioner Eddie Yome has taken over.

515 **Hon. Chief Minister:** It is his plan.

Hon. G H Licudi: He is the one that came up with a plan for restructure, particularly with emphasis being placed on community policing, with a number of officers being redeployed to create a Community Policing Unit. That is generally part of the restructure, with redeployments being done in order to achieve that purpose.

520 **Hon. D J Bossino:** Mr Speaker, in relation to frontier queues, which is the subject of this question on the Order Paper, can the Minister clarify whether he personally has had any involvement – the Minister for Justice, who has just risen to reply – had any involvement in relation to the restructure which would have had an impact on Police presence at the frontier area?

525 **Hon. G H Licudi:** No, this is purely an operational matter for the Royal Gibraltar Police. They handle that

and I have not had any involvement or been asked to contribute to that.

530 **Hon. Chief Minister:** Indeed, Mr Speaker, one would expect that the Government would have had no involvement in relation to that issue.

**Register of asbestos in public buildings
Progress in starting**

535

Clerk: Question 439, the Hon. J J Netto.

540

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if a register of asbestos in public buildings, which would be a public document that people can refer to at any time, in accordance with their manifesto commitments, has started?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

545

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): The Government, in discharging its obligations as an employer and in fulfilment of its manifesto commitment, will shortly be initiating the process of establishing an asbestos register for all of its properties and will further be creating a central database where all such information will be held.

550

Hon. J J Netto: Mr Speaker, I am grateful to the hon. Gentleman for the fact that he is about to embark on providing this register, but could I try and seek some clarification?

When he talks about Government properties, can he expand what he actually means by that? Did he actually mean, for instance, like Parliament, which is just a public building, but in extension to public buildings, is he also referring to the Government housing rental stock, for instance?

555

Hon. P J Balban: The scope of the register is to include all public properties in which asbestos is found. This will include all Government offices, as well as Government housing stock. The Ministry for Housing has advised that they have been compiling a register of the latter since November 2006, which is updated on a yearly basis.

560

Hon. J J Netto: Mr Speaker, in relation to this exercise to provide the documentation to service for the register, does the Hon. Minister know how long such an exercise could take?

565

Hon. P J Balban: It is actually not possible at this stage to advise when this will be completed, because it is dependent, obviously, on the collection of all the data and its collation.

In any case, this document will be a *live* document, which means the register will, I suppose, one day, *may* finish, but it is something which will continue as more properties are identified as containing asbestos.

570

Hon. J J Netto: Could the Hon. Minister indicate, given that this must, one assumes, be a mammoth task almost, in terms of providing surveys to every Government public property, which will require a considerable period of time... Will extra resources be provided to the Factories Inspectorate for the purpose of doing this actual work?

Hon. P J Balban: No.

575

Hon. G H Licudi: Mr Speaker, can I just add, because there is a separate question in the Order Paper in relation to the Schools' Health & Safety audit, and I will be addressing the issue of the asbestos matters in schools in answer to that question, and it has an impact on what the hon. Member has asked because we... specifically in schools, and I will deal with this later on, but just to clarify this particular answer, particularly in schools we are engaging someone to carry out an asbestos survey for school buildings and that will clearly have a cost.

580

585 **Hon. J J Netto:** Mr Speaker, I do not necessarily want to dwell too much on the question of extra resources, because I think there is also another question on the Order Paper, but I am a bit concerned that if the answer that the Hon. Minister has provided is that no extra resources will be provided for conducting such a huge task, and given that, in the past, the Hon. Minister has said that the work that the two existing Factories Inspectors have has been very much on the reactive side of doing things, as opposed to being proactive – which one can assume the service will be on the proactive rather than reactive – I think that if no extra resources are provided for, this particular exercise is going to take a huge amount of time.

590 Leaving that to one side for a minute, so I can put a supplementary question, what I would like to ask the Minister is that... As and when surveys are conducted, in terms of a building which has asbestos in the property, and provided that, as we all know, that asbestos has not been tampered with, then it is fine, there is no Health and Safety risk to be concerned about; but whenever there is asbestos which has been tampered with, which is broken and may be releasing some airborne fibre content into the atmosphere, obviously that means that there is a need to carry out the work as soon as possible, because of the health implications of finding the asbestos in such condition as a result of the survey.

595 So what I would like to ask the Minister is whether the Government has a commitment to ensure that, whenever there is asbestos which has been tampered with, they will carry out the works within a very short period of time.

600 **Hon. P J Balban:** The whole point of this register is actually for us to know exactly where the asbestos is so that, hopefully, does not occur, which means to say we will know exactly where the asbestos is so they will know exactly how to treat and how to embark on those works, knowing, obviously, where it is located.

605 **Hon. J J Netto:** With respect, my question was pointing in a slightly different way and perhaps prompted when I was asking a supplementary question to the Minister for Housing, from my hon. Friend, the shadow Minister, Edwin Reyes, and I was actually looking at, for instance, the Housing Works Agency, when they are conducting their own works. I was trying to ascertain from the Hon. Minister for Housing, Mr Bruzon, whether there was a particular response time for a particular category of works. He seems to indicate in his supplementary that there is not, apart from whatever is constituted in the category of emergencies. I was trying to bring out the question of [*inaudible*] works and asbestos removal; but the impression I got from the Minister for Housing was that it was not an emergency, it was not an urgent thing to do.

610 So, I would obviously argue the opposite. I would argue that if there is asbestos which has been tampered with and is releasing airborne fibres into the atmosphere, that the works need to be conducted as soon as possible. So there needs to be very close liaison between your own people and the Housing Works Agency, if it is a Government dwelling, or even perhaps GJBS, if it is a public building like Parliament, etc.

615 So what I am trying to find out is what discussions there have been between different Departments that belong to the different ministries in making sure that the response time for urgent work of this nature is done very soon.

620 **Hon. P J Balban:** I totally agree.

At the moment, the minute that asbestos is found, obviously something needs to be done urgently because they are airborne fibres and it is obviously detrimental to health. So the moment it is actually discovered and *disturbed*... because, obviously, the asbestos could be there and if we do not tamper with it, it is perfectly fine for it to remain there, but the moment it is tampered with, there is the risk of airborne fibres and the obvious detrimental risk to a person's health and obviously action should be taken immediately.

625

Hon. J J Netto: Mr Speaker, perhaps one more final supplementary question.

630 Although I am sceptical on the question that no extra resources are going to be dedicated to do the surveys, one assumes, of course, on the other hand, that if there is any particular sitting tenant in a Government flat, or if there are some civil servants working in any public building, and if they were to report the fact that they are concerned that there may have been some asbestos contained within that particular building and the asbestos is broken and it may constitute a Health and Safety risk, one presumes, of course, that within the existing factory inspectors, they will immediately come to ascertain the degree of seriousness of the asbestos in order to carry out the work as soon as possible. Is that the case?

635

Hon. Chief Minister: Mr Speaker, not only is it the case, but we have had occasion, since being elected,

to face such a scenario, and the work has commenced within 24 hours.

Hon. J J Netto: In a Government property?

640

Hon. Chief Minister: In a Government property, and the work commenced within 24 hours.

Hon. J J Netto: I am grateful to the Chief Minister.

645

When the work is actually being done, in terms of allocating who is going to do the work, if it is a Government flat it goes to the Housing Works Agency and if it is a public building – I keep saying Parliament, but I am not actually referring to Parliament – does the work then automatically go to GJBS, or perhaps it could be put out to tender, or... What is the system in place?

650

Hon. Chief Minister: Mr Speaker, what the hon. Gentleman cannot do is say, ‘This is something which is very urgent. Don’t you agree if we discover it we have to do it quickly?’ – with which we do agree – and then say, ‘How are you going to allocate it? Are you going to go out to tender?’

Obviously, if it is something that you need to deal with within 24 hours, you have to use the Government’s own resources to deal with it very quickly. What we have done in those circumstances – because there is the expertise, as the hon. Gentleman will know, in GJBS – is the only thing that really we could legitimately do quickly was have GJBS deal with it.

655

We have not yet had to deal with it being in Government housing stock – it has really just happened in an administrative building of the Government – and in those circumstances a proper and appropriate way to deal with it quickly was to call in Government’s maintenance company, GJBS.

660

Hon. J J Netto: Mr Speaker, perhaps one final question.

Mr Speaker: That was promised three ago. *(Laughter)*

Hon. J J Netto: With your indulgence, Mr Speaker!

665

I keep coming back to one of the original answers provided by the Minister in relation to no extra resource is going to be provided for conducting the survey. Does it mean, therefore, that the Government is thinking of outsourcing into the private sector the execution of the surveys to do the register?

670

Hon. P J Balban: I think we need to clarify to the hon. Gentleman that it is not the intention for us to go out and generate surveys and inspections. The point of the asbestos register is if works are carried out, as recently happened in one of the Government buildings, and asbestos is discovered, then obviously that building will be listed within the asbestos register and any other building will be, as is already... There are a number of buildings, in terms of the housing stock, which have already been identified and that information, since 2006, has already been part of an asbestos register, as such.

675

So it is not the intention for us to go seeking and hunting for dwellings. It is just as they are discovered they will form part of our asbestos register in the future.

680

Factories Inspectors Making work proactive

Clerk: Question 440, the Hon. J J Netto.

685

Hon. J J Netto: Mr Speaker, given the comments made by the Hon. the Minister for Health & Safety on the launch of IOSH Branch in Gibraltar on 22nd March 2012, in that the work of the Factories Inspectors was solely reactive, what plans does the Minister have to make their work proactive?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

690

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, at

present the role of the Factories Inspectors in the Department is being assessed to see ways in which this side of Health and Safety may be targeted. By increasing manpower within the Department, as a first step, the Government plans to be able to engage in more proactive work.

695 This has, in fact, already commenced by way of Health and Safety audits which are intended to help increase awareness within these environments, with the aim of helping to reduce the risk of potential injuries in the workplace.

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

700 Could the Hon. Minister please indicate or expand as to who is assessing the Department?

Hon. P J Balban: The Senior Factories Inspector has been tasked to look at his proposals for review, what his suggestions are for the Department so we can provide the other wing, the other facet of Health and Safety which has not been targeted in the past. That is the proactive side.

705 **Hon. J J Netto:** So, basically, what the Minister is saying is that this is an internal report that the Senior Factories Inspector has provided to the Minister and that is what the Government is considering at the moment, as opposed to being an external... looking from the outside at the whole range of duties that the Factories Inspectors are conducting.

710 The Minister also mentioned, in his first answer, that they are conducting, I believe he said, Health and Safety audits. Could he expand on the type of audits that they are conducting?

Hon. P J Balban: The one that immediately springs to mind, obviously, is the Health and Safety audit being carried out at schools at present. That is one of the audits being carried out.

715 **Hon. J J Netto:** Is it the intention to proceed to do other audits, not just necessarily within Government workplaces but perhaps outside places, whether to do perhaps with the dry docks or with the construction industry or some other ones which, in the opinion of the Factories Inspector, may be in need to spend some time looking at the workings of their practices perhaps in the private sector. Would that proceed then?

720 **Hon. P J Balban:** At present, obviously, before the review is carried out and we decide how the Department is going to be structured, it would not be possible with the resources at the moment, human resources are just not sufficient enough to be able to carry this out.

725 **Clerk:** Question four hundred and –

Mr Speaker: The Hon. Jaime Netto.

730 **Hon. J J Netto:** So is it then, therefore, the hope of this section – Department, if I can call it that – that as and when more people are employed as factory inspectors, to be able to expand this particular role into other industry groups?

Hon. P J Balban: Yes, we will be considering that.

735 **Hon. D J Bossino:** Mr Speaker, does the Government have an idea at this stage as to how many Factories Inspectors they intend will be employed?

Hon. P J Balban: Not at this moment in time. At the moment, there are two Factories Inspectors, but there is no idea at the moment.

740 **Hon. D J Bossino:** The Minister, Mr Speaker, made reference to a review. Presumably that is going to be a review of the Department. If my assumption is correct, does he know when that review will conclude?

The reason why I am asking that, following on from my earlier supplementary, is that the results of the conclusion of that review will determine how many Factories Inspectors the Government intends to employ.

745 **Hon. P J Balban:** At the moment, I am not able to actually give you an idea as to how long this review

will take.

750

**Inspection of work equipment
Transposition of EU Directive 2009/104**

Clerk: Question 441, the Hon. J J Netto.

755

Hon. J J Netto: Mr Speaker, has the Minister for Health & Safety a target date for the transposition of EU Directive 2009/104 on the inspection of work equipment?

Clerk: Answer, the Hon. Minister for Traffic, Health & Safety and Technical Services.

760

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, Directive 2009/104/EC is a recast of Directive 89/655/EEC, as amended by Directive 2007/30/EC.

Directive 2009/104/EC has no transposition date. However, the transposition date in respect of Directive 2007/30/EC is 31st December 2012.

765

Her Majesty's Government plans to transpose Directive 2007/30/EC by its transposition date.

Hon. J J Netto: Mr Speaker, I was trying profusely to write down all those dates of all those Directives. I wonder whether the hon. Gentleman would not mind having the paper actually, a photocopy, with all those particular names of the Directives, so I can actually follow them, if he does not mind.

770

Perhaps while that information is coming through, can the hon. Gentleman tell me what this particular Directive, even though it has been superseded, or is part of the previous one, is basically to ensure, obviously, there will be some kind of another register, if I can call it that, where the Factory Inspector will know in all work places throughout Gibraltar, public and private, where all equipment is and is working to the satisfaction of the Factory Inspector, so that following, at the end of the day, what is the push of Health & Safety, to ensure that proper conditions are maintained and a log book, perhaps, is maintained to ensure that the work equipment is provided.

775

So my question is does the Factory Inspector have some kind of a log book register to ensure where the work equipments are and that they are maintained to the proper standards?

780

Hon. P J Balban: I will actually have to ask my Factories Inspectors that question but just for clarification, this is the same – it is a recast of the previous Directive, so it is just organising the same Directive in a different form, so it follows on from the last one.

785

**Factories Inspectorate
Provision of requested statistical data**

Clerk: Question 442, the Hon. J J Netto.

790

Hon. J J Netto: Is the Minister for Health & Safety now in a position to answer Written Question Nos. W5/2012, W6/2012, W7/2012, W8/2012, W9/2012, W11/2012 and W12/2012?

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): No, sir.

795

Two software programmes have been tried and tested by the Factories Inspectorate and both have failed to fulfil their statistical requirements. The Factories Inspectorate are still pursuing other software providers in search of a software that provides the statistical data requested.

800

Hon. J J Netto: Do I then take it from the hon. Gentleman that the software programme that was purchased, in probably December 2011 or January 2012, is not up to the standard that the Factory Inspectors would have liked and, as a result of that, they are abandoning that software programme and they have

purchased another one? Is that the case?

805 **Hon. P J Balban:** No, sir, it was actually a trial version of the said statistical software. In fact, they have trialled two softwares of this type and they have not been successful in providing the information, as requested by yourself.

810 The sad thing here really is that the original software programme – which is the one that worked well, apparently – its licence agreement was terminated in June 2009, because if that had not happened in 2009, they would still be benefiting from that programme. We have actually gone back to the same suppliers of the programme because, obviously, that worked for them then, and the actual company has changed the way it does its software and it is no longer suitable for us.

So, had we not terminated that licence agreement, then we would not be sitting here today discussing why this information is not available.

815 **Hon. J J Netto:** Yes, I can understand what the hon. Gentleman is saying. I remember the software programme that he is actually mentioning now was a software programme that was purchased in my time, way back in our first term of office, so it has served its purpose for quite a number of years. Obviously, at the end of the day, whether they have renewed or not renewed the licence, and that caused a problem, I think you said in 2009, it has led to the situation we are in now.

820 Can I ask the hon. Gentleman whether the software programme that is being contemplated, is it a software programme that has been produced, if I can call it that, by the Health and Safety Executive in the UK? In other words, is it purposely designed by the Health and Safety Executive, albeit that it has to be tweaked for the local circumstances in Gibraltar?

825 Is that the case, or is it a software programme where you have to get a technician to actually start from scratch, not necessarily one that is modelled on the Health and Safety Executive in the UK?

Hon. P J Balban: I will need to ask the Factories Inspector exactly what it is, but I would assume that it is something that comes off the shelf. Otherwise, if it was something that was tweaked and done for our specific purposes, then we would be tweaking it in the right way so that it could perform the functions that we want it to perform.

830 So I am assuming that what is happening is that they are purchasing software which is just not doing what they request it to do.

Hon. J J Netto: Perhaps one more final question on this one.

835 Given that it is not my intention to ask this particular question every month, perhaps if the hon. Gentleman can indicate to me when he reckons that the current work which is being done now will pay some dividends and provide the information which I have been asking for. Can he indicate whether, perhaps, in two months' time or in four months' time he will be in a position to provide the information?

840 **Hon. P J Balban:** How long is a piece of string? What I am trying to say is as soon as... We are obviously actively pursuing getting it, because obviously this will help the Department. The Department has been without this facility since 2009, when the contract was terminated. The sooner we have that, then obviously it will serve our purposes as well as the Department's.

845 So really the answer to the question is the sooner the better, but I cannot tell him when they are going to pinpoint the right software programme.

**Factories Inspectors
Inspections in March/April 2012**

850 **Clerk:** Question 443, the Hon. J J Netto.

855 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state how many inspections during March and April 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible breach of the Factories Act or any subsidiary legislation may have been committed by any private

company at a Gibraltar Government or MOD workplace, and whether legal advice is being sought?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

860

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Questions 444 to 446/2012.

865

**Health & Safety
Reported accidents in March/April 2012**

Clerk: Question 444.

870

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if there have been any reported accidents during the months of March and April 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

875

**Factories Inspectors
Site meetings and advice in March/April 2012**

Clerk: Question 445.

880

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many site meetings and advice were given by the Factories Inspectors during the months of March and April 2012, broken down by month and industry group?

885

**Factories Inspectors
Prohibitions and improvement notices in March/April 2012**

890

Clerk: Question 446.

895

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state how many prohibitions and improvement notices were issued in the months of March and April 2012, if any, broken down by month and industry group, and specifying the reason or reasons for issuing the notice in this period which may have brought operations to a halt, until the inspector was satisfied that the correct standard had been duly complied with?

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

900

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him.

[See Tables overleaf]

ANSWER TO QUESTIONS 443 - 446

Table HS.1

Monitoring Activities, 2012

Industry Sector	Inspections / Site Meetings / Advice			
	January	February	March	April
Electricity Supply/Related				3
Water Supply/Related				
Shipbuilding/Marine Repairs				
Manufacture		1		
Construction	14	29	38	17
Wholesale Trade				
Retail Trade		2	3	
Hotel Trade				
Restaurants, Bar etc				2
Repairs Consumer Goods				
Sea Transport Related	1	2		
Air Transport Related				
Road Transport Related				
Post & Communications				
Bank, Finance, Insurance				2
Public Admin & Natl Defence		1		
Police, Security, Fire Services				
Sanitary Services				1
Education				
Medical & Health Services				
Other				
Horticulture				
Unknown				
Total	15	35	41	25

Source: Ministry for Traffic, Health & Safety and Technical Services

Table HS.2

Occupational Reportable Accidents, 2012

Industry Sector	January			February			March		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Electricity Supply/Related									
Water Supply/Related	1								
Shipbuilding/Marine Repairs	2			1			1		
Manufacture									
Construction	2	1		2			2		
Wholesale Trade									
Retail Trade									
Hotel Trade	1								
Restaurants, Bar etc								1	
Repairs Consumer Goods									
Sea Transport Related									
Air Transport Related									
Road Transport Related									
Post & Communications									
Bank, Finance, Insurance									
Public Admin & Natl Defence	1			2					
Police, Security, Fire Services									
Sanitary Services	2								
Education									
Medical & Health Services									
Other									
Horticulture									
Unknown									
Total	9	1	-	5	-	-	4	-	-

Source: Ministry for Traffic, Health & Safety and Technical Services

Table HS.3

Enforcement Activities, 2012

Industry Sector	Prohibition/Improvement Notices Served							
	January		February		March		April	
	PN	IM	PN	IM	PN	IM	PN	IM
Electricity Supply/Related								
Water Supply/Related								
Shipbuilding/Marine Repairs								
Manufacture								
Construction	1							
Wholesale Trade								
Retail Trade								
Hotel Trade								
Restaurants, Bar etc							1	
Repairs Consumer Goods								
Sea Transport Related								
Air Transport Related								
Road Transport Related								
Post & Communications								
Bank, Finance, Insurance								
Public Admin & Natl Defence								
Police, Security, Fire Services								
Sanitary Services								
Education								
Medical & Health Services								
Other								
Horticulture								
Unknown								
Total	1	-	-	-	-	-	1	-

Source: Ministry for Traffic, Health & Safety and Technical Services

905 **Hon. J J Netto:** Mr Speaker, the first thing is I would like to give my thanks to the Minister because providing the information in this manner is quite helpful. So I would like to give him my thanks for that.

In relation to my supplementary question, if we look at the page on inspections, we see that there is a preponderance for the Factory Inspectors to focus their inspections almost, one would say, on the construction industry side. This is something which I have referred to in the past. What I would like to ask the Minister – because I have to put this in the form of a supplementary question – is why is it that they are concentrating almost exclusively on the construction industry and perhaps not distributing the time that they have available, given that there are two Factory Inspectors, to do a much wider search of inspections to other industry groups?

910
915 In the past, when I have asked that question, the Minister has said, ‘Well, because normally there is a higher incidence of accidents in the construction industry,’ which is true – that is true – but just in the same way that that is true, it is also true to say that the second highest level of accidents is also in the dry docks, so I just do not see any sort of inspection by the Factory Inspectors on perhaps what is the second highest industry group.

920 So could the Minister provide some clarification as to why there is almost exclusive focus on the construction industry?

Hon. P J Balban: As you rightly said earlier, it is their perception of where risk is greatest and, although I accept that you have also mentioned the dry docks, construction is clearly evidently the place where accidents happen with the greatest frequency, so this is why – I assume this is why – they are targeting the construction industry more than anything, but obviously I will look into...

925 I am aware that they have carried out something recently at the dry docks as well. They have been there. It might not appear in these statistics yet – perhaps next month, the month of May, because this runs all the way till April, but I am aware that... I believe they have been involved with the dry docks recently, but I need to confirm that and, if that is the case, obviously, these will appear in next month’s statistics.

930 **Hon. D J Bossino:** Mr Speaker, does the Minister know whether these inspections take place after accidents occur, or is that not necessarily an assumption that one ought to be making?

Hon. P J Balban: No, the inspections are instigated for different reasons. Sometimes the general public calls in and says, 'There is some scaffolding somewhere and there are people walking too close to the edge, please inspect it', or there is rubble falling from building sites.

935 So, many of these inspections are actually instigated due to public reports, or even reports from other *[inaudible]* persons around the area, be they professionals or the general public.

940

**Factories Inspectors
Recruitment**

Clerk: Question 447, the Hon. J J Netto.

945

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if new Factories Inspectors have been employed recently and, if so, could the Minister state if such vacancies were trawled through the Civil Service Bulletin or not? If not, what was the recruitment process involved and the qualification criteria used, if any?

950

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no new Factory Inspectors have been employed recently.

955

Hon. J J Netto: Mr Speaker, what prompted me to ask this question in the first place was because, Gibraltar being such a small place, I actually saw in one of the Government public vehicles one of the Factory Inspectors, along with a Health & Safety – not the representative, but the other ones – who normally works, or used to work in the Housing Works Agency. In fact, he was wearing one of those luminous jackets and it had said something like, 'Health & Safety Inspector' or something like that, so I thought to myself, 'Yes, this particular person that was doing this type of work for what used to be Buildings and Works, now the Housing Works Agency, and perhaps he is working closer.'

960

Even though I take for granted that there has been no person employed recently, is the Minister perhaps trying to maximise the views of other Health & Safety inspectors – not the Factory Inspectors, Health & Safety Inspectors, from other Government Departments – in the work that the Factory Inspectors are doing? Is that the case?

965

Hon. P J Balban: I must say, well spotted, first and foremost, having spotted the gentleman with his green jacket!

970

But that is the case, yes. There were some members of staff from the Housing Works Agency and they have shown an interest in being deployed to help out in the Health & Safety Department. Because, obviously, we are lacking resources, then the Government is happy for this to happen, as long as the staff are happy to do so and that the members of staff are, in fact, capable of doing so. That is the case.

975

Hon. J J Netto: Could the Minister perhaps indicate, then, how many Health & Safety Inspectors from other Government Departments are, actually, if I can call it, seconded to the Factories Inspectors. Is he aware of that?

980

Hon. P J Balban: As we have two individuals who are – one of them is seconded, one is not – the first one does other things apart from that, but there are two members of staff, apart from the input we have from Technical Services, Health and Safety experts, who actually conduct the Health and Safety audits of schools as well.

So, there are the two Factory Inspectors, plus the two gentlemen from the Housing Works Agency, plus our in-house Technical Services Department as well, who are all involved, either fully or somewhat, in

985 providing support to the Department.

Hon. J J Netto: Mr Speaker, obviously there is nothing wrong necessarily with other Health & Safety inspectors being seconded with the Factory Inspectors and, in fact, going out with the Factory Inspectors, because, obviously, they have got much to gain from such skills and knowledge that the Factory Inspectors do have.

990 What I would like to ask the hon. Gentleman is, given that he is thinking about employing more Factory Inspectors, will there be a certain criteria in terms of qualifications that will be the prerequisite for being able to apply for the post?

995 **Hon. P J Balban:** Obviously, persons who are to apply for this post, if, obviously, this materialises, will have to have, obviously, all the qualifications needed to be able to apply for the post in question.

Hon. J J Netto: But does he know which are the qualifications that will be the necessary ones?

1000 **Hon. P J Balban:** No, I am not entirely sure what the necessary ones would be.

Hon. J J Netto: Mr Speaker, I am not going to dwell more with this, suffice to say that perhaps that I will write to him separately, to try and understand what the qualification may be in the future.

1005

**KGV works investigations
Unsafe practices; breaches of Factories Act**

1010 **Clerk:** Question 448, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if, as a result of my letter to the Senior Factory Inspector with regard to the unsafe practices at the KGV works, he has inspected the site and, if so, has he seen any breaches of the Factories Act or any of its subsidiary legislation, and whether he has recommended any improvements to the work environment?

1015

Clerk: Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1020 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Principal Factories Inspector did not consider that unsafe practices were being carried out at the King George V Hospital and therefore it was seen that there was no need to inspect the site.

However, he made further enquiries and met with the management of the above mentioned project to discuss the issues raised in your letter, and they were satisfied with the measures that were in place.

1025 **Hon. J J Netto:** Well, Mr Speaker, that was a very predictable answer! (*Laughter*)

Hon. P J Balban: It is true, though.

1030 **Hon. J J Netto:** But, while I can understand it is predictable in the sense that, perhaps, the Hon. Minister may wish to shield himself from the legal niceties of saying no unsafe practices did emanate, what I would urge the Hon. Minister is to leave the legal niceties for protecting himself and perhaps provide a more commonsense answer to the question.

I say this, Mr Speaker, because the fact of the matter is that, much as he would like to say to the contrary, there were many occasions in which those particular youngsters were not supervised at all. We have reports, not of one day but *many* days in which they were not supervised.

1035

The fact of the matter is that in work like this, normally, under Health and Safety, you look for best practices. If you look for best practices, he would know, as the Factory Inspectors know, that kids, or youngsters, should have had hard helmets on and the proof of that is that people have seen the youngsters, not only unsupervised on the scaffold, but they have seen them leaning with their body outside of the scaffold.

1040 They have been seen on the roofs, chasing seagulls away from the roof of the KGV Hospital.
1040 Mr Speaker, I am not trying to score any party political points at all, in relation to this, much as the Chief
1045 Minister seems to indicate that he is not satisfied with that, by his gesture. What I am concerned is, because
1045 we have all been youngsters – I have been a young person myself and I have not been an angel, I can say that
1045 – but when young people are left to their own devices, they will do things that will increase the risk that they
1045 pose in the workplace. The last thing I would want to have is a situation where an accident were to happen,
1045 something which we would all be very sorry about and then I say, ‘Well, I warned you about it.’ I would not
1045 want that to happen.

1050 What I would want to happen, for the good sake of the young people there, is that when the Hon. Minister
1050 goes away and, in fact, the Minister for Health, as well, given that this is property that belongs under the
1050 auspices of the GHA, is that they ensure that the people that have to supervise the youngsters are supervising
1050 the youngsters and that best practice, regardless of whether the law tells you that they should wear hats or not,
1050 is adopted, so that the youngsters ensure, when they become craftsmen, that they take the best practice, as far
1050 as Health & Safety is concerned.

1055 **Hon. P J Balban:** Mr Speaker, the Factory Inspectorate actually applies best practices. Obviously, people
1055 working there, they cannot be nannied and they cannot be held by the hand to make sure... I have been
1055 assured that they were supervised at all times, whether the supervisor popped in for a coffee and came out,
1055 this is what...

1060 The best practices are sought at all times and, in this particular case, because the work involved collective
1060 protection overheads, there was no need and they were still painting. They were painting the façade: there was
1060 no need for protective helmets. This is the advice that I have received from the professionals. It is not
1060 something that –

Hon. J J Netto: Well, Mr Speaker, I –

1065 **Mr Speaker:** Before the hon. Member poses... or makes a statement, I observe that the last time there
1065 was no question; this time there must be a question. [*Inaudible*] not repeating the same advice.

1070 **Hon. J J Netto:** My only question, Mr Speaker – I can understand the response that he is giving me, for
1070 the sake of *Hansard* – but my question is, when he actually goes back and when he actually goes and talks to
1070 the Factory Inspectors, please ensure that best practice is not what they are practising in Gibraltar, but is the
1070 commonsense practice applied in local authorities in the UK, which is that youngsters on a scaffold will wear
1070 hard hats to ensure their safety at all times.

1075 So can I ask the Hon. Minister, not for the purpose of *Hansard*, that when he goes away, he actually
1075 ensures that all protection that is necessary, even if it is going beyond what the Factory Act says, is provided
1075 for.

1080 **Hon. P J Balban:** As I said previously, I am satisfied with the response given by the Principal Factories
1080 Inspector, but the Department will always strive to find the best, or to enforce the best working practices
1080 possible in that respect.

1085 **Hon. G H Licudi:** Can I just add that responses given by Government Ministers are not just given for the
1085 purposes of *Hansard*, they are given in response to a particular question and are given honestly and
1085 truthfully?

1085 In this particular case, the issue arises out of professional advice received by this Minister in particular,
1085 and if the professional advice is that the practice that has been adopted was best practice and there was no
1085 unsafe practice, then that is what the Minister has indicated is the Government’s position. I hope the hon.
1085 Member will accept that, because that is the advice of the professionals.

1090 **Hon. J J Netto:** Mr Speaker, with respect –

Procedural

1095

Mr Speaker: Order. Order. The point has been made, a well-made point. We move to Question 449.

1100

Hon. J J Netto: Well, Mr Speaker, I am not entitled to...?

Mr Speaker: No!

Hon. J J Netto: Thanks very much, for not being able to –

1105

Clerk: Question 449, the Hon. Mrs I M Ellul-Hammond.

Hon. P R Caruana: Mr Speaker, why is one Member of the House entitled to make a speech and another not entitled to react to it? That also is a novel practice from the Chair.

1110

Mr Speaker: No, the point that the Hon. Jaime Netto made in his supplementaries –

Hon. P R Caruana: I am not talking about that, Mr Speaker; I am talking about the last exchange.

1115

Mr Speaker: Well, I am talking about what I see going on in this House.

The point that the Hon. Jaime Netto made was that an answer was aimed at satisfying the requirements of *Hansard* and so forth. The Hon. the Minister for Education and other responsibilities made the point that answers given in this House by a Minister are not aimed at *Hansard*, but are aimed at answering the question.

That, in my view, is a valid point to make and there was no need for further discussion of that subject. That is why I said there was no need for further discussion.

1120

Hon. P R Caruana: Mr Speaker, a subject is either appropriate to be discussed, in which case it is appropriate to allow both sides of the House to discuss it, or it is not appropriate to be discussed, in which case neither side of the House should be allowed to discuss it.

1125

What I cannot understand is a situation where a subject is appropriate to be discussed by the Government side, but not by the Opposition side.

Mr Speaker: With respect, the Hon. Jaime Netto made a statement that an answer given by the Minister was aimed at satisfying *Hansard*. That is a point made by a Member on this side of the House.

1130

A Minister on this side of the House has risen to make the point, quite properly, that the answers are not aimed at *Hansard* but aimed at answering the question. The matter has been discussed. Each one has had his say on the matter. It has been discussed. We could go on, and on, and on forever.

What will the Hon. Jaime Netto say? He was probably going to say something else, but it would never end that discussion. It is not for discussion really.

1135

Question 449.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1140

**Schools' Health and Safety audit
Completion and findings**

Clerk: Question 449, the Hon. Mrs I M Ellul-Hammond.

1145

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education state whether the schools' Health and Safety audit has been completed, and what the findings are?

Clerk: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications

1150 and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, as previously stated in answer to Question 25 of January 2012, the first site visit took place in January 2012. As I also indicated at the time, it was envisaged that the process would run for several months. The audit has not been completed.

1155 I am, however, pleased to say that the following schools have been audited: Gibraltar College; Bayside Comprehensive School; Westside Comprehensive School; Bishop Fitzgerald Middle School; Sacred Heart Middle School.

The findings of the schools' Health and Safety audit will be released on completion of the whole exercise.

1160 I would also say, Mr Speaker, noting part of the answer that I gave in January – which was the fact that the process will take several months – does not mean that Health and Safety issues are not looked at in the interim.

1165 I can say, in particular having regard to the discussion this morning on asbestos, that there are two matters which have been recommended for action, in respect of the schools that have been audited. One was a fire door which was locked in one of the schools – I believe it was the College – and that matter was recommended for immediate action and that has been actioned.

1170 The second matter was a recommendation that an asbestos survey be carried out in the schools that have been audited. I am pleased to say that our arrangements are being made at the moment for an asbestos survey to be carried out in respect of each of those schools. The purpose of the asbestos survey is quite simply to facilitate the identification of asbestos-containing materials that could possibly be contained within the building's fabric.

1175 There are three schools at the moment that have an asbestos register: Bishop Fitzgerald Middle School; Governor's Meadow First School; and St Bernard's First School. So of the five that have been audited already in this Health and Safety audit, one of them already has an asbestos register and we are in the process of looking at carrying out an asbestos survey in respect of the others so that an asbestos register can be compiled in respect of all the schools.

Hon. Mrs I M Ellul-Hammond: I am grateful for that.

1180 Mr Speaker, can the Minister then confirm if there are any other recommendations that have been made so far or issues highlighted from the audit that has taken place so far? Those were the only two that you mentioned that have been highlighted.

1185 **Hon. G H Licudi:** Those are the only two for immediate concern and our aim in carrying out this process is twofold. Firstly, we have a Health and Safety audit going forward, reporting all the results of any issues that may be raised; and, secondly, if there are any matters that are raised which require either immediate action or are recommended for action to be taken straight away. Those are the only two items that have been recommended for immediate action and we are taking immediate action on those things.

1190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Health and Safety audit be finished before the end of this academic year?

Hon. G H Licudi: No, Mr Speaker. My understanding is that it is expected that this will be completed some time in the autumn.

1195 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when the audit is completed, will the findings be tabled in this House?

Hon. G H Licudi: Mr Speaker, I have not contemplated tabling the findings in this House, but, as I have said, the findings will be released on completion.

1200 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise when he envisages next year's Health and Safety audit of all schools to start, as he mentioned in answer to Question 25 in January that this is intended to be a yearly audit?

1205 **Hon. G H Licudi:** Yes. Next year's audit will start next year.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if the schools' audits are to be yearly, can the Minister advise how many months of the year that the schools will not be in audit mode or implementing the recommendations?

1210 **Hon. G H Licudi:** Mr Speaker, it is intended that this is done by calendar year, rather than academic year. We have started this year's audit in January and it is going to take a number of months. We do expect that – I cannot say on 1st January of next year; in fact, the schools will be closed on 1st January of next year – but as from January, we will be looking at carrying out the 2013 audit – in other words, *organising* the 2013 audit.

1215 As I stand here today I cannot say, 'Well, we are actually going to do it on 15th January or 17th January or 1st February', but there will be an audit in 2013.

1220 I believe I also indicated, when this matter was last raised, back in January of this year, that once the first audit has been completed, then we envisage that it will be a simpler process to carry out a second audit, because a lot of the groundwork will have been done. A lot of the identification process will have been carried out and it will simply be a question of revisiting those issues and seeing whether there are any *new* issues which require any action at all; but it certainly will be an easier process second time around, which will take place in 2013.

1225 **University of Gibraltar
Plans for setting up**

Clerk: Question 450, the Hon. Mrs I M Ellul-Hammond.

1230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what the plans are for the setting up of a University of Gibraltar?

1235 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Gibraltar Government has commissioned a study, exploring the different options available.

1240 A variety of alternative pathways associated with degree-awarding powers are being explored. The study is being carried out by Professor Daniella Tilbury of the University of Gloucestershire. Is it anticipated that Professor Tilbury will report to the Government in the autumn of 2012.

1245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us what the options are for the setting-up of the University of Gibraltar, in particular the one given to the Government by the Liberal Democrat MP, Simon Hughes, when he brought with him a proposal from the University of London, I believe?

1250 **Hon. G H Licudi:** Mr Hughes, as I believe I explained in an interview with GBC at the time, is a good friend of Gibraltar and is assisting [*inaudible*] has come to the Government voluntarily with his views on this. He had had some contact with the University of London and, in fact, I followed that up myself.

I had a meeting in London with the Chief Executive of the International Programme and his senior staff of the University of London, to see exactly what it is that they offer, and there are a number of options which are available.

1255 That is one of the aspects that has been looked at in this study: whether we do associate ourselves with the University of London and whether the degrees which are awarded here are University of London degrees and, because there are a number of different options available, in what way we are associated as a College with the University of London...

So the hon. Member asks, what is actually being considered, what options are being considered, and that is clearly one of the options in terms of the degree-awarding powers. Are we going to have our own degree-

1260 awarding powers? Are we going to delegate that and enter into an arrangement with someone else?
The other options that are being considered clearly involve what courses are going to be given, which courses are going to be full-time, which courses are going to be part-time, staffing arrangements which may be necessary. Location issues are clearly being considered.

1265 So there are a whole range of options that are being considered as part of the study and that is why we felt it was necessary to commission a proper study, to look at all this and advise the Government,

**School secretaries
Additional full-time employed; cost**

1270 **Clerk:** Question 451, the Hon. Mrs I M Ellul-Hammond.

1275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many more secretaries, or the equivalent, are being employed to service the schools on a full-time basis and how much will this cost?

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

1280 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the school secretary complement in December 2011 was the following: four full-timers – two in each of the comprehensive schools, that was the four full-timers; and 11 part-timers, with some schools sharing a part-time secretary.

1285 Of the 11 part-timers, 10 have indicated that they wish to take up full employment and are actually already carrying out a full school day.

The pay and conditions for the full-time post is currently being discussed with the secretaries concerned and their union officials.

1290 The eleventh person of the part-timers is actually retiring at the end of August of this year and is therefore not interested in becoming a full-timer.

The Government intends to employ three additional full-time secretaries: one to fill the vacancy created by the person that is retiring and two new posts, so that no school will have to share a secretary, as has happened until now and is still actually happening because the posts have not been filled.

1295 The additional cost of having all schools with full-time secretaries will be determined once the current discussions with the union have been concluded.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker.

So what you are saying is that the full-time equivalent is eight: ten part-timers going full-time, so that is half each, plus another three. Am I correct?

1300 **Hon. G H Licudi:** I am not sure that I follow the ‘full-time equivalent’. Can the hon. Member clarify what she means?

1305 **Hon. Mrs I M Ellul-Hammond:** Yes, part-time is considered half a person and ten part-timers will be going full-time, so that is the equivalent of five whole, and then you are employing another three new full-time secretaries. So five and three is eight.

Hon. G H Licudi: Five and three is eight, plus the four full-timers that currently exist. There are four full-timers already: two in Bayside and two in Westside.

1310 As the hon. Member rightly says, of the 11 part-timers, 10 have indicated that they wish to go full-time and we have already made arrangements because we wanted immediate cover on the schools. We have already made arrangements and those are actually working the full day already. So that cover has already been provided.

But, yes, we will need to employ a couple of extra, one for the retiring and a couple extra simply because

1315 there are four schools sharing two secretaries at the moment. Therefore, on those two secretaries becoming full-time, two schools are left without a secretary and we will need to employ two extra to cover those two schools.

1320 **Hon. E J Reyes:** Mr Speaker, may I ask, as well, the Hon. Minister for Education, with all the statistical figures we have been given, is the College of Further Education and *their* secretarial support team, are they included in those statistics or are they being treated as a separate entity?

Hon. G H Licudi: The College is certainly included.

1325 **Hon. E J Reyes:** My understanding is that there was a full-time secretarial support at the College and there has been no reference made to that.

Hon. G H Licudi: My understanding – the information I have – is that the College actually *shares* a secretary at the moment and the College will be getting a full-time secretary.

1330 **Hon. E J Reyes:** Yes, I understand because I think the Minister is talking ‘secretary’ by classifying nomenclature, because College should have... and I purposely use the words ‘secretarial support’ because it has got someone from a clerical grade there. (*Interjection*) Yes?

1335 So perhaps for future statistics – I am not too bothered now – the Hon. Minister might be able to provide us with details of school secretaries and/or secretarial support, which means they are non-teaching staff. They are not involved in any classroom support, but rather within the administration.

It does make a very big difference within a school, if you have a clerical officer there. In fact, the clerical officer, by job descriptions themselves, can carry out far greater ranges of tasks than a school secretary who normally does more telephone, receptionist type of work.

1340 **Hon. G H Licudi:** Yes, the hon. Member... it is true. There is clerical support in the College; but the question has nothing to do with that. One thing is an AO that may be engaged in the College... The question was specifically about school secretaries, which is a specific post, and that is the answer that I was addressing.

1345 Certainly, I can confirm that the College does have additional clerical support, which other schools do not have.

New teaching posts Distribution

1350 **Clerk:** Question 452, the Hon. Mrs I M Ellul-Hammond.

1355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain how the 47 new teaching posts have been distributed among the schools and the Department of Education?

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

1360 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the 47 new teaching posts will be distributed on the basis of the process explained in answer to Question 278/2012 of March 2012. They will address the specific needs of schools and the Department of Education, as discussed with head teachers. Interviews for these posts have already been held. The process of selection has not been completed and it is envisaged that this will occur within the next month.

1365 As a result of this process, as we have already said, the teaching complement will be increased from 333 to 380.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education advise when he will be in a position to tell us how these 47 posts have been distributed?

1370 **Hon. G H Licudi:** Mr Speaker, as I have indicated in the answer, it is envisaged that the whole process will be completed within the next month.

I should add, Mr Speaker, that there are a number of issues which the hon. Member may want to be aware of because the previous question which dealt with this also asks whether the 47 teachers were *in addition* to any retiring teachers that may be engaged and I confirm that that was, in fact, the position.

1375 In fact, I can say today that we have confirmation of 10 teachers retiring this academic year. So the process that is actually being done and the interviews that have been conducted are for the recruitment not of 47, but of 57 new teachers – 10 to take up the 10 retiring posts and 47 new additional teachers.

1380 There has also been, quite recently, a batch of nine TLR promotions and that often leads to transfers within schools. Those matters, that process... interviews for that were held on 24th and 25th April and, as a result of that process, there will be some movement within schools. All that also has to be taken into account, as part of the consultation process with head teachers in deciding which posts go where.

The hon. Member will understand that I am reluctant to go into any specific detail as to which post arising in which particular school, when candidates have been selected and do not currently know the outcome of that selection process.

1385

School class numbers Maintaining optimum level

1390 **Clerk:** Question 453, the Hon. Mrs I M Ellul-Hammond.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what the Government's policy on maintaining an optimum number of children in classes at each level of the education system is, what these numbers are for each school and year, and how any shortfalls will be addressed?

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

1400 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy for maintaining an optimum maximum number of children in classes at each level of the education system is based on the following: First Schools, to work with a class size of approximately 20 pupils; Middle Schools to work with a class size of approximately 25 pupils; Secondary Schools, Years 8 and 9, approximately 25 pupils; Years 10 to 13 will depend on year group and subject.

1405 Head teachers will have some flexibility and discretion as to how they deploy their teachers, having regard to subject needs and based on educational grounds.

Class sizes is one of the factors which is being considered in relation to the distribution of the 47 new teaching posts that are currently being engaged; but this process – the whole process of the number of children in each class – will be subject to ongoing review and discussions and the Government may have to revise the policy, taking into account feedback from the Department of Education and school heads.

1410 Finally, I would stress that the numbers that I have given are *optimum* numbers, not fixed numbers, and clearly head teachers, on educational grounds, would have to decide how they deploy their teaching complements.

1415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is any special consideration being given to St Martin's School, in terms of optimum size of classes there?

Hon. G H Licudi: Mr Speaker, that is a matter that I will need to take up with the Government officials. It is not a matter that I have initially discussed in the context of preparing this particular question; but, clearly, class sizes will depend on the needs of the children in that particular school.

1420

Hon. Mrs I M Ellul-Hammond: Yes, Mr Speaker, perhaps I will write to the Minister requesting that information.

Mr Speaker, if it transpires that some schools are to add extra classrooms, in order to lower the

1425 teacher/pupil ratio to the optimum number or very close to that optimum number, which rooms will be used?
Will specialist teaching rooms be used if the school physically, the building physically, cannot take the extra classrooms?

1430 **Hon. G H Licudi:** Mr Speaker, the Hon. Member talks of pupil/teacher ratio. We have not worked on pupil/teacher ratio. We believe that that is the wrong way of looking at this. There are in each school a number of teachers that either do not have a full timetable, like heads and deputy heads, and therefore to look at a school and simply count the number of pupils and the number of teachers and do a ratio is not, I believe, the right way of going about it. We prefer to look at the optimum number of children in each particular class, rather than the overall ratio. So I thought I would just clarify that particular point.

1435 With regard to classes, that is certainly something that the head teachers will have been considering in putting forward their staffing requirements for the school and those have been discussed with the Department of Education.

1440 There has been, as far as I am aware, no identification of a specific problem with classrooms which might be available in order to accommodate the extra teachers and these classes, and, as I said, head teachers will have flexibility.

1440 There are plans for refurbishment and creating extra classrooms in some schools, which we are currently working on and which we will announce in due course, but not specifically in relation to this particular process, because that is not an issue that has been highlighted as being particularly problematic.

1445 **Hon. Mrs I M Ellul-Hammond:** I am grateful that refurbishment will accommodate it, because representations have been made to us about concerns that extra classrooms could be at the expense of specialist teaching rooms, and this is obviously something that parents and teachers will not like to see happen.

1450 So can the Minister assure us that, at all costs, art rooms, libraries, kitchen labs and so on will be protected?

Hon. G H Licudi: Mr Speaker, I am not aware of those representations and no such representations have been made to me of specific concerns. These are matters on which I have been in ongoing discussions with the Department of Education.

1455 If the hon. Member is aware of any specific school where parents have raised specific issues, then I would certainly want to know about it, but no representations have been made to me about that particular concern.

1460 **Self-funded postgraduate students in UK
Reimbursement of costs by Gibraltar Government**

Clerk: Question 454, the Hon. Mrs I M Ellul-Hammond.

1465 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many self-funded students undergoing postgraduate studies in the United Kingdom, which started this academic year in September 2011, have been reimbursed under the Government's new policy of all postgraduate studies being granted as a mandatory entitlement, as for first degrees, and how much this has cost?

1470 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, no students have been reimbursed, since no such requests have been received.

1475 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does this policy also apply to distance learning postgraduate courses?

Hon. G H Licudi: Mr Speaker, I do not have that information. The question specifically talked about

1480 postgraduates and that is the area that I have discussed.
I am not aware of – the hon. Member will not hold me to it – any requests for reimbursement of distance learning; but, certainly, for postgraduate studies there have been no requests at all for reimbursement.

1485 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government's new policy that discretionary grants will now be mandatory?

1490 **Hon. G H Licudi:** No, Mr Speaker. What we have said is that *postgraduate* studies will now be mandatory. That does not take care of *all* possible discretionary grants which might exist or which anybody might apply for and, therefore, it does not mean that everybody who applies for absolutely anything will be given a mandatory scholarship. This policy specifically refers to postgraduate studies, in the nature of a Masters or a Doctorate.

Hon. E J Reyes: May I ask, Mr Speaker, in respect of postgraduate studies, does that mean residential *and* distance learning, both?

1495 **Hon. G H Licudi:** Yes.

Clerk: Question –

1500 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, just to clarify the point I was making earlier, if I may quote from the manifesto. It states, under postgraduate studies:

1505 'Postgraduate study will cease to be discretionary and will be granted as a mandatory entitlement, as is the case for first degree courses.'

1510 **Hon. G H Licudi:** Yes, Mr Speaker, that is precisely what I have said: that, in terms of postgraduate studies, they will be mandatory. It does not mean that all applications which might be made for some sort of funding for any type of courses are necessarily within that category. But certainly, postgraduate applications will be considered mandatory.

1515 **St Bernard's School
Plans for re-housing**

Clerk: Question 455, the Hon. Mrs I M Ellul-Hammond.

1520 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain what plans he has for the re-housing of St Bernard's School?

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

1525 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is currently exploring a number of sites and options. A final decision on the re-housing of St Bernard's School has not yet been taken.

1530 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that the school *will* be re-housed, given the grave concerns that were highlighted by his colleague, the then Opposition spokesman for Education, at nearly every one of his Education Budget addresses?

Hon. G H Licudi: That is certainly the Government's intention.

1535 **Court Maintenance Orders
Numbers breached and details**

Clerk: Question 456, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many Maintenance Court Orders are in breach for non-payment since this question was asked in Written Question No. 31/2012, broken down by sex and length of time, and in how many of these cases are the courts intending to enforce the Order, in accordance with Part V of the Magistrates' Court Act?

1545 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1550 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Magistrates' Court currently has 71 Maintenance Orders on its records. This is a reduction of 19, since I responded to Written Question 31/2012.

The court is aware that 10 are currently in breach, which is also a reduction from the 29 cases, since I last reported.

Of the 10 in breach that the court is aware of, the breach is due to non-payment by males.

I have a breakdown of the length of breach in these 10 cases that I am happy to pass to the hon. Member.

1555 **Hon. J J Netto:** Mr Speaker, I am grateful to the –

Hon. G H Licudi: Mr Speaker, I have not finished. There is still –

1560 **Hon. J J Netto:** Oh, sorry.

Hon. G H Licudi: I am midstream! (*Laughter*)

I am passing that information specifically in a table, but of the Maintenance Orders in breach, six are being considered for enforcement action by the court. The remainder are either subject to committal orders or enforcement has been stayed, pending a change of circumstances by the parties involved.

ANSWER TO QUESTION 456

Table 1: Breakdown of Maintenance Order breaches known to the court, by length of breach (month ending April 2012)

Number of cases	Length of time in breach
2	Not paying full amount
2	4 weeks
1	5 weeks
1	7 weeks
2	8 weeks
1	19 weeks
1	148 weeks
10	Total

1565 **Hon. J J Netto:** Mr Speaker, that does away with my supplementary questions, so that is fine! Thank you.

1570 **Complex criminal cases
Cases other than fraud**

Clerk: Question 457, the Hon. D A Feetham.

1575 **Hon. D A Feetham:** Mr Speaker, does the Minister for Justice accept that there can be complex or exceptionally difficult criminal cases other than fraud cases?

1580 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Yes, sir.

1585

**Crimes Act; Criminal Procedure and Evidence Act
Commencement by Government**

1590 **Clerk:** Question 458, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, when does the Minister for Justice envisage that the Government will be in a position to commence the Crimes Act and the Criminal Procedure and Evidence Act?

1595 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government is aiming to be in a position to commence the Crimes Act and the Criminal Procedure and Evidence Act on 1st October 2012.

1600 Perhaps it might be useful if I explained to the hon. Member and the House why that particular date.

The hon. Member will be aware of the previous questions that have been asked in relation to the Government's intention in respect of these Acts. I have made clear that some amendments will be necessary, particularly to the Criminal Procedure and Evidence Act, in relation, specifically, to the right to silence and some consequential amendments that would be necessary.

1605 The amendments which will be required are currently being drafted. We will have to publish a Bill and because it amends the Act, we will have to bring it to Parliament. It is envisaged that, because of the six weeks which are required for publication, it will not be possible to bring that amendment before the summer recess. Therefore, the first opportunity that will be available will probably be September this year.

1610 In the likelihood that that happens in the September sitting, then whatever changes are necessary will have been made and we will then be in a position to commence the Acts, as amended, on 1st October 2012. So that is the thinking as to why that particular date has been chosen.

1615 **Hon. D A Feetham:** Yes, of course, in relation to the right to silence, the Government could take the course of action of not commencing those provisions relating to the right to silence. You could do it that way.

But is the position that has been brought into the mix as well, the question of the age of consent? Does the Government envisage that there will be amendments to the Crimes Act consequential upon this issue of the age of consent and the Government's consultation exercise that it launched a number of weeks ago?

1620 **Hon. G H Licudi:** Mr Speaker, certainly, part of the consideration of this process in terms of the timing and commencement of the Act, is the issue, clearly, of the age of consent and the provisions, specifically, of the Crimes Act, which deal with those issues.

1625 As the hon. Member has indicated and knows, we issued a consultation process. The process finished on 9th May, as I seem to recall, and the Government is currently considering the representations that have been made during that process, so that a final decision can be taken. Whatever decision is taken, if there are any amendments, we will have time to make amendments and bring them to the House in September; but that will depend, clearly, on whatever the Government's decision is. It may be that there is no need for an amendment in relation to that specific issue.

1630

**Confiscation proceedings
Introduction of enabling legislation**

Clerk: Question 459, the Hon. D A Feetham.

1635

Hon. D A Feetham: Does the Government intend to introduce legislation allowing for confiscation proceedings to be brought to court, depriving defendants living a criminal lifestyle of the financial benefit that he or she has obtained from criminal conduct?

1640

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the confiscation of assets, where there has been a benefit obtained from criminal conduct, is already covered by two Acts in Gibraltar.

1645

Under the provisions of the Crime (Money Laundering and Proceeds) Act 2007, the court can make a confiscation order against a person following a conviction for an indictable offence, other than a drug trafficking offence, if it can be shown that the person concerned has, as a result of that offence, benefited from criminal conduct in the sum of at least £10,000.

1650

In addition, under the provisions of the Drug Trafficking Offences Act 1995, the court can make an order for confiscation of assets, if a person is convicted of a drug trafficking offence.

These two Acts also provide for the registration of external confiscation orders, if an application is made by a designated country and certain conditions are met. The Government is aware that, in the United Kingdom, there is provision under the Proceeds of Crime Act 2002, to seek the confiscation of assets which arise from criminal conduct, even if no criminal proceedings are brought against a person. The Government is currently considering the introduction of similar legislation for Gibraltar.

1655

Hon. D A Feetham: Yes, I did not mean the first two, because obviously I was aware that those are on the statute books. It is the latter.

1660

Is the Minister in a position to state at what stage the Government is at with consideration of introducing legislation similar to that in place in the United Kingdom in relation to the third aspect? Will he give an indication today to this House whether the Government feels that such legislation, or a similar type of legislation, is appropriate to be introduced here in Gibraltar?

1665

Hon. G H Licudi: Mr Speaker, with regard to the stage that we are at, we are at the stage of discussing with people within the criminal justice system about the need for such legislation in Gibraltar.

I would not want to give an indication of the final decision, because that final decision has not been made, but I can tell the hon. Member that a final decision will be taken imminently and if we decide to introduce legislation, then we will ask for the necessary drafts to be prepared. But this is being given very active consideration by the Government at this very minute.

1670

Hon. D A Feetham: Can he confirm that, apart from considering the legislation itself, that the Government has also considered the question of the resources that have to be in place in order to make something like this workable?

1675

Certainly, on this side of the House it is something which we considered during our four years, but it involved the ploughing in to a project of this nature of considerable resources and the pooling of resources from the RGP, Customs, from the Attorney General's Chambers, so there were resource implications in relation to this.

Can he confirm that that is something that he has also, or that the Government has also considered?

1680

Hon. G H Licudi: It is something that the Government *is* considering. It is part of the mix at the moment. The legislation is being considered – the *possibility* of the legislation is being considered. No final decision has been taken, but clearly the issue of what additional resources might be necessary in order to make such legislation work is a matter that is currently in the melting pot and being considered by the Government.

1685

Procedural

Hon. Chief Minister: Mr Speaker, I move that the House do now adjourn to Friday, 25th May at 4.45 p.m.

1690

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 25th May 2012, at 4.45 p.m.

I now put the question, which is that this House do now adjourn to Friday, 25th May 2012, at 4.45 p.m.

Those in favour. (**Members:** Aye.) Those against... Passed.

This House will now adjourn to Friday 25th May 2012 at 4.45 p.m.

The House adjourned at 11.27 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.45 p.m. – 5.50 p.m.

Gibraltar, Friday, 25th May 2012

The Gibraltar Parliament

The Parliament met at 4.45 p.m.

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

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

Questions for Oral Answer

ENTERPRISE, TRAINING AND EMPLOYMENT

GASA club premises
Meeting held by Hon. J J Bossano

Clerk: Sitting of Parliament, Friday, 25th May. Answers to Oral Questions continue.
Question 370/2012, the Hon. D A Feetham.

5

Hon. D A Feetham: Well, we appear to have been relegated or exiled to the political equivalent of Siberia – Friday afternoon at five o'clock!

Mr Speaker, was the meeting which the Minister of Employment held recently at the GASA club premises, where he addressed some fifty individuals, a meeting held by him in his capacity as Minister of Employment?

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

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

15

**Workers' Memorial Day event; May Day rally
Invitations to Minister for Employment**

20 **Clerk:** Question 371, the Hon. D A Feetham.

Hon. D A Feetham: Was the Minister for Employment invited by UNITE to the Workers' Memorial day event organised by UNITE in the Lobby of Parliament and by UNITE or the Government on the May Day rally?

25 **Mr Speaker:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Not to my knowledge, Mr Speaker.

30 **Hon. D A Feetham:** Does the hon. Gentleman not think it very odd indeed that he appears to have been the only person – Member of Parliament – not to have been invited, for example, to the Workers' Memorial day?

35 Does he not think that it is also even more odd that he has not been invited to the Government's *own* event held jointly with UNITE, the May Day rally?

Hon. J J Bossano: Mr Speaker, to my knowledge, these were public events which required no invitations.

40 **Hon. D A Feetham:** Mr Speaker, I was certainly invited to the Workers' Memorial day event and so were Members on this side of the House. Is it not the case that his non-attendance at both of these events shows an almost pathological dislike for the leadership of UNITE?

Hon. J J Bossano: No, Mr Speaker.

45

**Companies employing trainees
Contracts with Employment and Training Company Limited**

50 **Clerk:** Question 373, the Hon. D A Feetham.

Hon. D A Feetham: How many companies have signed contracts with Employment and Training Company Limited agreeing to pay back the wages of a trainee if that trainee is not employed permanently by that company since the last question and answer session of Parliament?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): As at the end of April, Mr Speaker, an additional 24 employers have signed the partnership agreement.

60 **Hon. D A Feetham:** So that is 29 in total?

Hon. J J Bossano: That is correct.

65 **Hon. D A Feetham:** Does the Hon. Minister still believe that he is on course to meet his now varied manifesto commitment of employing all those people on the unemployed list – there is another question on the Order Paper on that – that will be invited on to the Future Job Strategy, plus also all the remaining trainees in private companies?

70 **Hon. J J Bossano:** Well, Mr Speaker, the biggest difficulty we have got are the people that we inherited from the VTS Scheme, of whom there are still 226.

All the ones that have come in new have all got a job at the end of the training, because the employer selects the trainee, not us. We send him a group and he selects one. So, on that basis, clearly, I want to go as fast as it is possible to go, but this is demand led. I cannot go faster than there are employers willing to take trainees.

75 **Hon. D A Feetham:** Yes, but *he* devised this particular policy. We disagree on what exactly was promised to the electorate: *we* say that it was clear that what was promised was a job in a Government-owned company; you say no, the guarantee was a guarantee in a privately owned company.

80 Now, assuming the latter, is he happy that he is on course to be able to effectively meet what *he* says was the manifesto commitment, a guarantee of a job in a privately owned company for all those people that were trainees, effectively, that he inherited, plus also the unemployed by, for example, the end of the year, which is what he said in a recent *Viewpoint* programme that we both attended.

85 **Hon. J J Bossano:** What I said in the recent programme was, Mr Speaker, that, every month of this year, I would be able to report lower unemployment and higher employment levels. So there is a trend in which the numbers out of work are coming down and the numbers in work are going up and that is true of every month.

90 The speed at which that happens depends on the demand for labour in the economy, which we will not attempt to manipulate artificially. The jobs are there or they are not there. But certainly the response given, that this has been going on... The first people were required to sign up in March – five actually did it before they were required to do so, in February. There have been 24 further, coming up to 29, and what I am hoping, and indeed confident, is that we will be signing them up at the rate of four or five a week. We will see whether that does the result that I want it to have.

95 **Hon. D A Feetham:** Do I detect another U-turn in the statement that the hon. Gentleman has made just a few moments ago, from the statement that he made in the *Viewpoint* programme, which is to eliminate unemployment by the end of the year?

100 **Hon. J J Bossano:** Mr Speaker, I do not know whether the hon. Member... The hon. Member seems to be so familiar with U-turns that he detects them at every corner! He can detect whatever he likes and maybe he is better at *detecting* than at being a politician.

I am telling him that, as far as I am concerned, I made it very clear that the unemployment would go down every month and the employment would go up. He can hardly expect me to be able to predict, without knowing how many of the people that are due to reach school leaving age this year, which we still do not know, are going to be joining the unemployment list or not. We will not know that until August, but it could be that we will be having a requirement for another 400 jobs, as a result of this year's school leavers – but it could be 200.

110 **Hon. D A Feetham:** Yes, Mr Speaker, the hon. Gentleman is certainly giving me a lesson or two – or three or four – on how to perform political U-turns. That is for sure. But he has not answered my question.

My question is: is he in a position to say to this House, as he said to the people of Gibraltar on the *Viewpoint* programme, that he will eliminate unemployment by the end of the year? Yes or no?

115 **Hon. J J Bossano:** Mr Speaker, I did not say there will be zero unemployment in 2013, and if the hon. Member believes I said that, then he did not understand me properly or he is making it up, so that he can accuse me of doing a U-turn.

But I can tell him one thing: I can *promise* him that the number of Gibraltarians in employment will be

higher than it ever was in the 15 years of the previous administration.

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

120

**Gibraltar Development Corporation
Human Resources**

125

Clerk: Question 374, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether there is a Human Resources Department of the GDC, the number of GDC employees in that Department, and the grades of those employees?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker, there is no such department.

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Hon. D A Feetham: So is the position that the hon. Gentleman *is* effectively the Human Resource Department of the GDC?

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Hon. J J Bossano: Well, given that there was no such department in the last 15 years, that would only be true if the Hon. Mr Caruana had been the Human Resources manager of the GDC previously, which I do not suppose he was.

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Hon. D A Feetham: The hon. Gentleman knows that that is not the case, because there was a Human Resource Department of the GDC. It appeared on their letterheads and, in fact, Mrs Eleri Surrey was the person that effectively ran that Department. Whether Mrs Eleri Surrey was the only person within that Department, I cannot tell him, whether that is the case or not; but he knows, as well as I do, that in fact there was a department and that she effectively ran that Department.

Is that not the case?

150

Hon. J J Bossano: There was one person employed, but there was no Department because there was nobody else there.

The person that he is talking about continues to be employed in the Human Resources Department –

155

Hon. D A Feetham: Of the Government.

Hon. J J Bossano: – of the Government, because she chose to stay as a ring-fenced civil servant.

The Human Resources issues that require the use of that Department are accessed by the GDC from the Government, and the Government charges the GDC.

160

Hon. D A Feetham: So can the hon. Gentleman confirm to this House that, effectively, he is the person who is fulfilling the role that would be otherwise fulfilled by a proper Human Resources Department; and that he is responsible, effectively, for making decisions of hiring and firing within the GDC?

165

Hon. J J Bossano: Mr Speaker, how can I confirm that? I have just told him the very opposite!

I told him the GDC uses the Civil Service Human Resources Department when it needs to. What the hon. Member does not seem to understand is that the GDC does not employ anybody in any GDC activity. It supplies labour to Government departments.

170

**Registered unemployed
Numbers as of 30th April 2012**

175 **Clerk:** Question 375, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many people were registered unemployed on 30th April 2012 between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, between zero and three months, 361; between three and six months, 132; between six and 12, 66; between 12 and 24 months, 46; and above two years, 35.

185 **Hon. D A Feetham:** Yes, the figure above two years is actually higher than when I last asked the question.

190 Can the hon. Member just enlighten the House as to why that is the case? Also, could he perhaps provide an explanation as to what he intends to do, in order to obviously ensure that these people are in gainful employment? It appears to me that, if a person is unemployed for longer than two years, there must be some very substantial reason for that, and I do not know whether the hon. Gentleman has actually made that analysis.

195 **Hon. J J Bossano:** Mr Speaker, I have got the answer that I gave him to 143/2012. That answer says, above 24 months, 35 – which is the same figure as this one. So it is not true or correct, shall we say, that in fact the figure is now higher than it was.

200 You would expect that if the same number of people in long-term unemployment are there, then the time that they have been there will grow with every passing month. They will have been there one more month. So, obviously, if the people who are in the 12 to 24 months do not get employed this month, next month some of those will have gone past the 24 months. The fact that they are in the higher category simply means that the group before them contains the same people, but the question has come three months later.

205 The other element that I think the hon. Member should take note of is that what the figures do indicate is that where there is greater movement, as one would expect, is in the people who have been under six months out of work – that is to say, they have been sufficiently recently out of work to be able to get... I think that there is more resistance on the part of employers to take somebody on, if he has been a very long time out of work, presumably for the same reason that the supplementary question has been phrased: is there something wrong with the person? There can be numbers of things. One of the things that can be wrong is that it is an older employee. For example, in the construction industry, we find that, after the age of 55, it is much more difficult to place people. Even though they have the experience, where it involves labouring work, clearly they are not going to be as capable of maintaining what is a tough job physically, as somebody who is in his 20s or 30s.

210 Apart from those characteristics, we have not done any other analysis, other than to monitor the extent to which the age groups are affected. But the facility of being able to place somebody with an employer and effectively have him employed for a number of months and paid for by the Government, does not have an age limit. So, in fact, not many, but a few, of the people in the longer term employed... One particular case in the last two weeks is somebody who had been for five years out of work, and we were able to place him somewhere, by using the Employment Training Scheme as a way of getting the employer to accept him and give him a trial.

220 **Hon. D A Feetham:** I understand that. I appreciate it is not an easy job, and I understand it.

225 I understand because, certainly when I was involved with the previous Minister for Employment in conducting an analysis in relation to long-term unemployed – and I have said this, I think, to the hon. Gentleman either in debate or on debates on television – a substantial proportion of those, for example, had criminal convictions which were preventing them from effectively accessing the job market in the same way as somebody without a criminal conviction, or there was certainly a handicap.

230 But does he not think that perhaps he ought to undertake that kind of analysis to, for example, find out or see whether you can come up with an analysis as to whether the rehabilitation of offenders legislation, which was only commenced – and I understand that – a couple of months ago, whether that is actually working – whether some of those people you were able to place because employers cannot refer to their criminal convictions and employees do not have an obligation to refer to them; or whether that piece of legislation needs further amendment?

235 I have always been of the view, although... When we introduced the legislation, we effectively adopted the UK model, I remember the hon. Gentleman saying, ‘There are all these exemptions – is this usual?’ he asked me during debate. I said, ‘We are adopting the UK model’. There are an awful lot of exemptions that may, in fact, not be appropriate for Gibraltar, whereby, for instance, somebody who might be employed in security or immigration, in theory those people have to disclose their criminal records, because they are caught by the Act, but it may strictly not be necessary.

240 Will the hon. Gentleman at least take on board what I am saying and conduct an analysis of these 35 individuals, to see whether, in fact, we are dealing with that kind of problem? I know that, after two months, it is again premature to look to determine with any certitude as to whether the rehabilitation of offenders legislation is, in fact, doing the job that it was designed to do, but certainly, I do think that that kind of analysis ought to be undertaken in relation to the 35, and perhaps even the 46.

245 And if I can ask you just another supplementary question, as well – and I apologise, I thought that it was slightly less than 35 last time round – but out of the 35 last time round, does he have a figure of how many of those 35 that were unemployed for more than two years, you have managed, or your department has actually managed, to find employment for with employers?

250 **Hon. J J Bossano:** I cannot give him a figure with certainty, but I think it is probably the case that about half a dozen have been removed from that group and half a dozen have joined it – it is not that it is the same 35 people.

255 **Hon. G H Licudi:** Mr Speaker, can I deal with the other point that the hon. Member makes in relation to the rehabilitation of offenders provisions, which have been commenced, which were the first part of the Criminal Proceedings and Evidence Act, which we commenced?

260 The hon. Member may well have a point that that list is extensive and, in a place like Gibraltar, we should look, but that is a specific list which was put together for Gibraltar purposes. It might be a UK model, but the *actual list* is a list of Gibraltar entities, Gibraltar agencies and therefore some thought must have been given to including or not including relevant entities in the list. But the point is that there may be a need to look at and revise the need, having regard to employment policy in particular, and that is an exercise that we will be happy to do.

265 But let me say this: the fact that a company or an agency or an entity is included in that particular list, does not preclude that person from employment. The effect of the Rehabilitation of Offenders Act is to set time limits at which a conviction becomes spent, and therefore cannot be taken into account at all. The fact that a conviction might not be spent does not preclude the person from obtaining employment. In other words, the fact that an entity is on a particular list is not a bar; it is certainly not a legal bar to entry into the employment market in that particular area. It simply means that a conviction is not spent.

I thought I would clarify this.

270 **Hon. D A Feetham:** No, I quite understand that. I drafted the list (*Laughter*), so I understand!

I understand, but what happened when *we* drafted the list, we effectively included within the list organisations or authorities that were equivalent to the ones that existed in the UK, so as near as possible UK equivalents.

275 Now, I am grateful to the hon. Gentleman that he says the Government is going to be looking at that, because certainly we would have done so, after a passage of time, to see how the legislation bedded down. I also, of course, accept the point that he makes that the fact that you disclose a criminal conviction does not mean, in theory, that the employer cannot or should refuse to employ that person, because clearly you could have a criminal conviction that occurred 15 or 20 years ago and, in fact, may not even be relevant to the job that you are applying for.

280 The reality of the situation actually is – this came to my attention when we were recruiting in some areas – that the Human Resource Department of the Government, in relation to privately owned companies, often

take the decision, if you have got a criminal record, you are not suitable for the post. You do not even get to interview. That is actually happening.

285 Now, the hon. Gentleman, if he is under the misapprehension that the system is operating in a particular way, he ought to perhaps have a meeting, himself and Mr Bossano, with the Human Resource Department of the Government, to actually pan this out, because it actually does not work that way in practice.

Hon. G H Licudi: Mr Speaker, what I have said is not how it is working in practice, but that it is not a *legal* bar to entry into the employment market, as a result of that particular provision.

290 **Hon. D A Feetham:** I have said that.

Hon. G H Licudi: Given that we agree with that, if there is a practical issue which needs to be addressed, then certainly that is a matter that we will be happy to look at.

295

**Job vacancies
Numbers filled by registered unemployed since December 2011**

300 **Clerk:** Question 376, the Hon. D A Feetham.

Hon. D A Feetham: I think I have asked 376; it is 377.

305 **Mr Speaker:** No, it was 375.

Hon. D A Feetham: Yes, I beg your pardon.

310 Can the Minister for Employment state how many job vacancies have been filled since 11th December 2011 and how many of those vacancies have been filled by people who were registered as unemployed between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

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

315 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the numbers employed between zero and three months were 2,442; from three to six months, 85; from six to 12 months, 30; from 12 to 24 months, six; and over 24 months, two.

**Employment Training Company Limited
Grants scheme for graduate trainees**

320 **Clerk:** Question 377, the Hon. D A Feetham.

325 **Hon. D A Feetham:** Can the Minister for Employment please provide details of the scheme announced to the Institute of Chartered Accountants of England and Wales (ICAEW) on the payment of £16,000 a year to graduates who wanted to change careers?

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

330 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, there was no such scheme announced at the ICAEW meeting.

335 **Hon. D A Feetham:** Well, has he announced at any other meeting a scheme of this nature – or on any other occasion?

Hon. J J Bossano: No, Mr Speaker.

340 What happened at that meeting was that I explained to them how the existing ETCL and grad schemes work. Therefore, if people are graduates, they are on 50% above the minimum wage and if people are not graduates but have O- and A-levels, they are in the other scheme and that the accountancy firms would be able to access those schemes, if they wanted to use those schemes to recruit trainees – but it is not that there is a special scheme for accountants.

Hon. D A Feetham: Yes, it is the reporting of it that has been inaccurate.

345

Applying for jobs with Government Eligibility

350

Clerk: Question 378, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment say whether it is true that some people who have gone to the ETB to enquire about applying for jobs with a Government agency have been told that they were not eligible to apply because they were already working and had to be unemployed to be eligible?

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

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

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Hon. D A Feetham: So the hon. Gentleman is saying that when somebody actually makes that allegation, and I have read it because somebody – I am not a member of Facebook myself, but somebody who is – printed out a thread in relation to this, where they said, where two people said that they had approached the ETB for a job that had been advertised in a Government agency, and had been told, ‘No, you have got to be unemployed in order to apply’.

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So the Hon. Minister is saying that when those people say that, they are not telling the truth – is that the position?

Hon. J J Bossano: Well, either they are not telling the truth or they are deliberately lying for reasons best known to themselves or, in fact, they do not know what they are talking about. It can only be one of those three, because it is not possible for anybody to go to the ETB and say, ‘I want to apply for a job that has been advertised in the Government agency.’ If the job is advertised in the Government agency, apply to the agency! It is as simple as that.

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Now, somebody may have gone and said, ‘I want to join the Employment Training Programme of the Government’, in ETCL, which is a Government company. Well, we do not encourage people to resign from a job in the private sector, so that we can then train them and send them back into the private sector, but unless that is the agency which they are talking about, the answer would have been there is no requirement to be unemployed in order to apply for a Government job.

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Hon. D A Feetham: But is there not another potential scenario: that these two people are not lying; that they have been to the hon. Gentleman’s department and at the hon. Gentleman’s department, someone there has provided this particular answer? That is a possibility, is it not? They do not necessarily have to lie or not know what they are talking about.

380

Hon. J J Bossano: Well, I will tell you why it is not possible: because, frankly, all the people that are working in that Department have been working in that Department for a considerable number of years and I would expect them to know better than to say something which *manifestly* cannot be true.

385

I mean if somebody goes to the counter and says, ‘I want to apply for a job in a Government agency, which is advertised, *x y z*’, the answer he would get: ‘Apply to *x y z* – we do not take applications for Government agencies here, either from the employed or the unemployed.’

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So to suggest to somebody, ‘If you were unemployed, we would accept your application, but because you

395 are not unemployed, we are not doing it', would show that the person that was answering that, if that were true, has not got a clue how the system works – which is how it has been working for the last 15 years and they have been there for that long. Somebody who has been in the job in the Employment Service for a few weeks might not know how these things work; but the people that are there, dealing with the counter all know – well, they have been doing it longer than I have! Why should they get it so wrong?

Hon. D A Feetham: No, I will tell them that the hon. Gentleman said that they were lying –

400 **Hon. J J Bossano:** No, Mr Speaker, I did not say that.

Hon. D A Feetham: That is what you said in Parliament!

Hon. J J Bossano: No, no, Mr Speaker.

405 **Hon. D A Feetham:** That is what you said!

Hon. J J Bossano: *No*, I have not said that!

410 **Mr Speaker:** No, there were three alternatives. (*Interjections*)

Hon. J J Bossano: If the hon. Member wants to quote me, then he should say, 'Either they are lying or they do not know what they are talking about or they have misunderstood what they were told.' (*Interjection*) Now, if he picked in the lying, maybe he knows the people well enough to know which one fits better.

415 **Hon. D A Feetham:** Well, he can rest assured that I will give him the two alternatives that he first gave, plus the third one that I postulated to him – that was not his own initiative. But aren't all vacancies advertised via the ETB, anyway – or not?

420 **Hon. J J Bossano:** No. There is a requirement to notify the Employment Service of a vacancy, and that requirement, in fact, carries a penalty, which the Department has frequently, since 9th December, imposed on Government departments which, in the last 15 years, were frequent abusers of the system and recruited people without opening the vacancies. That can no longer happen.

425 Therefore, whenever a Government agency advertises a vacancy, they do two things: they put an advert in the press and they place the information with the ETB. People will look and see that the vacancy is there and they can apply for it, or they see it in the press and they can apply for it. Normally, the vacancies require people to address the application to the employment entity, not to the ETB. The ETB does not accept applications from people.

430 **Hon. D A Feetham:** I quite understand that, but is it not the position that, when the vacancy is opened with the ETB, it is common that people will actually go to the ETB asking, 'Well, what are the vacancies that exist?' Is that not common?

435 **Hon. J J Bossano:** Mr. Speaker, the vacancies... There are boards on which there are 600 vacancies put up. It is a system that I am having reviewed because there is a constant stream of complaints from people that the vacancies do not get removed when they get filled because the employers do not get round to telling us, and people get sent from pillar to post – and that happens with both the public and the private – but at the moment the boards are still there, like they used to be, and at any one time there will be between 600 and 800 jobs on those boards.

440 **Hon. D A Feetham:** Yes, but your position is – and you have said it outside this House and inside this House – that, before, we had a system that did not work, now we have a system that works because vacancies have to be advertised, they have to be opened with the ETB and you do not have the situation where those vacancies are filled before they get to the ETB.

445 *Ergo* you have a situation where people can go to the ETB and find out what vacancies there are at the ETB. If that is the position, don't you think it is reasonable for somebody, if there is a vacancy in a

Government company or a Government agency, for that person to actually first make an enquiry from the ETB – hence, the answer that they got when they went to the ETB?

450 **Hon. J J Bossano:** No, Mr Speaker, I do not believe that that is true. The *ergo* is not the *ergo* that the hon. Member wants it to be.

The *ergo* is that, before, 80% of the jobs were filled first and notified afterwards, and now 20% are filled and notified afterwards. We have reversed those ratios, and that is what I have said on many previous occasions, or at least since it has started reversing, which was in about March or April this year.

455 The vacancies that are there. The people say, ‘I am interested in applying for this vacancy,’ and they get the address of the place that they have to apply to, public or private. Whether they are working or not working, there is nothing to stop anybody saying, ‘I am interested in applying for the job.’ In fact, the reality of it is that something like 70% of the jobs that are filled every month are filled by people who are not registered unemployed – 70%.

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Future Job Strategy Eligibility of unemployed

465 **Clerk:** Question 379, the Hon. D A Feetham.

Hon. D A Feetham: Mr. Speaker, when will the Future Job Strategy be open to the unemployed?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, it has been open since 1st February 2012.

475 **Hon. D A Feetham:** Mr Speaker, does the hon. Gentleman not agree that cannot possibly be the case in the light of the answers to questions given at the time when I asked about this and he said that the Future Job Strategy would first start with those who were in training, would only become open to the unemployed in the summer, and in the summer it would become open to the unemployed effectively by invitation. In other words, if that person comes to the ETB and says, ‘I have an employer who is willing to take me on as a trainee’ or, alternatively, your department matches that person with a willing employer, what is it? Is it the answer that he has given today, or the answer that he gave to me in February?

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Hon. J J Bossano: The answer is that, since 1st February, the people who have got job guarantees are, in the main, the people who have joined after 1st February and not from the VTS. I have already told him in several meetings, Mr Speaker, that the ones we are having most difficulty in placing, for the very obvious reason that the employer was not involved in selecting the individual, are the people who were there already, whom we do not want to put back on the unemployment list and we are still carrying them, hopefully finding them a slot.

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But, in fact, in February, in March and in April, in those 24 new employers that I have mentioned, the five original ones in February were five employers who took people from the existing VTS pool, and the 24 that have taken on trainees subsequently are all people who were not in the original pool and they have taken them from the unemployment list.

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Hon. D A Feetham: What is the unemployment figure, can you remind the House, at the present moment?

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Hon. J J Bossano: The unemployment is in the region of 1,200.

Hon. D A Feetham: Does he not accept that he has an obligation, which was the promise that he made at the last General Election, of allowing all those unemployed people onto the Future Job Strategy, enabling them to earn the minimum wage?

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Hon. J J Bossano: Mr. Speaker, the hon. Member first of all accused me, during the Election, of bringing about the ruin of Gibraltar by saying I was promising to do what I was not promising to do, and now he is urging me to do something which he described then as the ruin of Gibraltar – that is to take 1,000 people, pay them £1,000 a month, even though I have got no work to give them.

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The people who are being taken in the Scheme are being taken in the Scheme because what we do is we match the unemployed with the vacancies. We call up the employers, we send them people we have pre-selected in the department, and then the employer says, ‘I want to keep so-and-so and so-and-so,’ and then we take that person into the company and we pay them the £1,000. That system ensures that all the concerns the hon. Member had about ruining Gibraltar are no longer true. Therefore, since he wants to be able to attack me, he will attack me if I do it for ruining Gibraltar, and if I do not do it, for letting down the people who are unemployed.

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I can promise him there will be less people unemployed than there were on 8th December, come next 8th December. There will be more Gibraltarians working on 8th December than there were last year, and that that progress will continue throughout the next four years. (*Applause*) That may not be enough for him, but it is a lot more than the previous administration, of which he is so proud that he defends their entire 15 years, including the eight years before that he used to attack –

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Hon. D A Feetham: The short [*inaudible*].

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Hon. J J Bossano: They did not do it. As simple as that.

Hon. D A Feetham: Mr Speaker, every single time that the hon. Gentleman feels uncomfortable with the questions he is asked, he refers to my political past. Let me tell the hon. Gentleman (*Interjection*) that he is going to feel *far* more uncomfortable with my questions during the course of the next four years. Let me tell him that.

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Why did the hon. Gentleman not speak to the people of Gibraltar with the candour that he has spoken with in the House today, which is, ‘Look, I’m sorry, I cannot employ 1,200 people, because it’s the ruin of Gibraltar.’ Why didn’t you do that?

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Hon. J J Bossano: Mr Speaker, I have not said I cannot employ 1,000 people because it is the ruin of Gibraltar. I am saying that he claimed in the Election... The hon. Member seems to think that he is entitled to make allegations of things that I am supposed to have said, that I have not said, and attack me for those things which he has invented, but I am not entitled, on this side – and I was not entitled when I was on *that* side – to say to anybody on the other side of the House anything about anything they have said in the past.

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If the hon. Member chooses, in his latest reincarnation, to be critical of everything that the GSLP did, even when he was in the GSLP, and to praise everything that the GSD did, even when he was attacking it. (*Laughter*) I am entitled to remind the people of Gibraltar of that, and that is all I am doing. It is not that I am worried or affected by his presence here to the extent that I have to react by reminding people of his past – the people of Gibraltar know his past as well as I do – but he chooses to say that I said something before, and I am as entitled to remind him of the things that *he* said when he had different views. Or is he the only one who has got the prerogative to do that?

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The answer is he said that to do what he is egging me to do now would be the ruin of Gibraltar, and therefore... It was never going to be the ruin of Gibraltar, because I never said that is what we would do. I said that people would get a job in a Government company, and they have got it. There are 500, or 400, or 350 people in there at one time. The people will only be put in there not so that we can send a pay cheque to their house while they are unemployed, because that would simply mean that we would increase the unemployment benefit to £1,000 a month and make it limitless in time, and that was never anything that we committed ourselves to doing. What we committed ourselves to was addressing the employment problems that we inherited, which they claimed did not exist. It was only in the Election campaign for the first time that, in order to attack what the Scheme would cost, they themselves revealed that they were well aware that there were 1,100 out of work, because the hon. Member was the one who put in the *Chronicle* ‘it will cost £11 million’, and if you are going to pay £1,000 a month, then that is what £11 million represents – 1,100. It was as a result of that knowledge being made public that we realised that the 400 figure was only the tip of the iceberg.

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Hon. D A Feetham: Yes. The reason why I referred to the £11 million – and it is true it was my figure; I am glad that the hon. Gentleman recognises that it was an accurate figure, at the very least –

560 **Hon. J J Bossano:** It was a bit more, actually.

Hon. D A Feetham: – was because, in the hon. Gentleman's manifesto, he committed himself to employing 450 people who were on existing training schemes, those on sheltered employment, plus those on the unemployment list, which was 421. That is where the figure of 1,100 came from.

565 In other words, I was taking my cue from the promises that *he* made to the people of Gibraltar, which was to employ 1,100 people in a Government-owned company; hence, my arguments that you were on the road to ruining Gibraltar. But, look, what is it? Is it ruining Gibraltar to employ all these 1,100 people, or is it not ruining Gibraltar employing 1,100 people? Does he plan to allow these people onto the Future Job Strategy Scheme, or is he going to continue to break promises to the unemployed of Gibraltar because *he* is the socialist Minister for Employment?

570 **Hon. J J Bossano:** I am glad at least we agree on the last bit of that: (*Laughter*) I *am* the socialist Minister for Employment.

575 Mr Speaker, in the statistics he has forgotten one tiny element: as well as all those components that he mentioned, there were 60 on the waiting list at Bleak House which did not appear in any other category and presumably were treated as non-existent. That is, they were not unemployed because they were waiting to be put on the VTS, which gave them no security, no future, £400 a month.

580 However many failings he may want to find in what is there now, I can tell him that the people who are in and the people who are looking forward to being in do not agree with him and think we have done more in the last five months to improve their prospects of getting a job than was done for them before, and that the judgement of that only time will tell.

585 I am happy that he should bring the matter up every month and give me an opportunity to update the people of Gibraltar on the progress that we are making, and I can promise him that every month the figure will show an improvement. That may not be enough for him, because presumably he would prefer that it was not so.

Hon. D A Feetham: Just one final question: does he sleep well at night for breaking his promises to the unemployed of Gibraltar?

590 **Several Members:** Shame!

Hon. J J Bossano: Mr Speaker, I have never slept better since the day that he left the GSLP! (*Laughter and applause*)

595

**Future Job Strategy
Trainees temping in GDC**

600 **Clerk:** Question 380, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many trainees under the Future Job Strategy are temporarily filling vacant jobs within the GDC?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): There are none.

610 **Hon. D A Feetham:** Yes, I can see that with the hon. Gentleman I have got to be as precise as possible, otherwise he will not answer my question, despite the fact that he understands perfectly well where I am coming from and what the question is.

What about in relation to filling vacant jobs within Government agencies or Government companies?

Hon. J J Bossano: None, Mr Speaker.

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Hon. D A Feetham: And within the public service generally?

Hon. J J Bossano: None, Mr Speaker.

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All the people who are in Government areas... I have explained to him many times, but the hon. Member either does not want to understand the answers that he is being given, or maybe he is being misguided by things that other people tell him.

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I have told him that we have got 226 VTS. VTS inherited 226. Of those, 83 are still left in the private sector. The remainder, whom we are paying, we have distributed in public entities, not because there are vacancies – the vacancies are not there. If and when a vacancy happens, the vacancy is opened and everybody, including the people who are ex-VTS or anything else, are entitled to apply, just like people who are working are entitled to apply, but it is *not* the case that they are filling any vacancies. They are all supernumerary, the posts that are there.

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In the case of the GDC, for example, the lowest entry grade is Grade 1, AA. We have got young people in the Employment Service and elsewhere under the GDC, but the vacancies are now currently being advertised and filled. They are not debarred from applying, but they are not guaranteed that they are going to get it.

Hon. D A Feetham: So can the hon. Gentleman confirm that it is not Government policy, nor that the Government will, in future, allow trainees to temporarily fill vacant jobs within all the organisations – I do not want to repeat them – that I have mentioned in my question earlier?

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Hon. J J Bossano: Mr Speaker, I do not think I have to give any guarantees about anything that is going to happen in the future. I can tell him the policy is not that and that, in any event, the hon. Member does not understand that any jobs above the entry grade can only be filled from the existing permanent staff. It does not go out of the Service. We do not import people in higher jobs in the system.

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Therefore, the only grades that can be filled are Grade 1 jobs. The Grade 1 jobs that exist are currently being advertised. Notwithstanding the fact that there have been people, for example, in the Employment Service, there are no Grade 1 vacancies, so all the guys who are there cannot be filling Grade 1 vacancies because none exist – all the Grade 1s are full, and that is true of everywhere else.

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The only place where there is an automatic job guarantee at the end of the training is in the Health and Social Care, in the courses, some of which were already in place and, as far as I am concerned, I imagine that it was always the intention that if you are sending somebody to the School of Nursing it is in order to employ them at the end of the training, although we found that some of the people who were being paid as VTS, the £400, to be nursing assistants, were at the end of the training sent home and a new lot taken in. Therefore we found, in the Health Service, that in 2011, in effect, VTS on £400 were being used as filling vacancies in the wards, but when they finished their training they were replaced by a fresh lot. That has been brought to an end, and therefore all the people who are training in those areas are being offered a job, for the very simple reason there is no other health authority for them to go to.

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You cannot treat the School of Nursing as training nurses and putting them on the market. The only guy in the market who is buying is the Health Authority. But if we are training somebody to do clerical work, then there are a thousand clerical jobs in the economy of Gibraltar and therefore the training that he gets with us, or with a private sector firm, for as long as we are... With this mix that we have inherited – people without guaranteed jobs and we have got people with guaranteed jobs – we are trying to give priority, as far as we can, in trying to persuade employers to access, first and foremost, the people who were there before February. Unfortunately, we are not being as successful for the reasons that I have explained. Those people were selected by Bleak House.

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The employers now have an input before the selection takes place. Because they have that input, they are more keen to select for themselves than to be told who they have to take on. Apart from that, the only exception to the system is in the case of training for nursing assistants or care assistants or registered nurses. That is the only area where, automatically, the trainees will get a job at the end.

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Hon. D A Feetham: Yes, and can he also confirm that no vacancies will be held back because there are

trainees in supernumerary posts that may be doing, between them, the work that may have been required by the vacancy? Could you also tell this House that the Government is not going to go down that road?

670 **Hon. J J Bossano:** Mr Speaker, we inherited 90 vacant posts in the Civil Service, which we are now in the process of filling. I do not know whether the previous Government was holding them up for us to fill them or holding them up for some other reason, but held up they were. It is not the intention to perpetuate the policy of the previous administration in holding jobs up.

675 In areas like the Care Agency or the Health Service where, in fact, the manning levels are determined by the number of beds that are occupied, we will continue with the previously announced policy of employing short-term contracts in order to match the contract termination dates with the completion of the training programmes.

680 **Hon. D A Feetham:** Yes, and two more questions: can he also confirm to this House that there is no intention to dumb down the entry requirements into the public service, be it in the Civil Service or within agencies or Government-owned companies; and has he had any meetings with Mr Tampin – GGCA’s union leader – in relation to the issue of cadets and Civil Service posts?

685 **Hon. J J Bossano:** The last time I met Mr Tampin was at Forty Steps on my way here, but we did not talk about any of those. I think I have not had a meeting, before that, for a very long time with him – I think probably around Christmas – but then I do not deal with industrial relations, as I have told the hon. Member many times. So, when we meet, we talk about the weather, we talk about this, we talk about that, but not about any of the issues that the hon. Member has referred to.

As regards ‘tamping’ down or ‘tamping’ up... Was it ‘tamping’ or ‘dumping’?

690 **Mr Speaker:** Dumbing down, he said.

Hon. J J Bossano: Dumping?

695 **Mr Speaker:** Dumbing.

Hon. J J Bossano: I do not understand the terminology.

700 Certainly, my view is the fact that somebody may have, for example, a GCSE in mathematics, does not necessarily make him a better information officer in the coach park and, therefore, the relevance of some of these things is questionable, as far as I am concerned, in being an indicator of how good a civil servant or public servant the person is going to be. In my view, in fact, the more opportunities that we give for everybody to apply, the better – the more choice the employer has and the more chances the individual has to progress.

705 **Hon. D A Feetham:** Yes, I know precisely what your views are in relation to this and, if the Chief Minister allowed you to get your way, precisely what your intentions would be. But I have asked you about Government policy: you are here to explain Government policy.

I am repeating the question –

710 **Hon. J J Bossano:** No, Mr Speaker, I... If he –

Hon. D A Feetham: Is there a point of order?

715 **Hon. J J Bossano:** Mr Speaker, on a point of order, the Member is entitled to ask me about the things for which I am responsible. If he says that the Chief Minister will allow me or not allow me to do something which I may or may not like, then in fact what he is saying is that is not my responsibility but the Chief Minister’s responsibility, and therefore he should address the question to him.

I do not set the entry requirements for the Civil Service or anything else, so either he asks me for my *opinion* or he asks the person responsible for the policy.

720 **Hon. D A Feetham:** Mr Speaker, just in response to the rather nervous point of order that the hon.

Gentleman has made, the Chief Minister of Gibraltar could very well overrule any Minister in relation to *any* area within his ministerial responsibility, because the Chief Minister of Gibraltar has the authority to do that, so there is no inconsistency between the question that I have asked him and the answer.

725 Is the position this: that the hon. Gentleman himself, his own preference is effectively yes for a dumbing-down of the entrance requirements into the public service? Is that what he is saying?

Hon. J J Bossano: No, I am not saying that, Mr Speaker, because I refuse to allow the hon. Member to put words in my mouth. I will not express myself in the terminology that he uses.

730 What I have said to him is that I myself question the necessity for somebody... For example, if you want an information officer to produce leaflets for tourists, you might decide that you want everybody to have a university degree to do that, but it is questionable whether that is a necessity or whether necessarily the person with the degree would do a better job than one who has not. That is a matter of judgement and a view that I have expressed.

735 I am not responsible for 'dumping' or 'undumping' or upping or lowering anything to do with entry requirements, and therefore, since it is not something that comes under my ministerial responsibility, the hon. Member is not entitled to ask me and I have got no obligation to answer him.

740 **Hon. D A Feetham:** Can he not tell me whether it is Government policy whether the views that he has expressed today to me, very candidly – and I thank him for the candour that he has shown in the answer to the question that I have asked – can he not at least say whether those views represent Government policy, or not?

Hon. J J Bossano: Mr Speaker, I am not here to give him a statement of Government policy in an area over which I am not responsible.

745 I have equally clear views on education, the need for so many lawyers, the medical services, and I can spend a lot of time, if he wants, sharing my views – because, clearly, since he has not had an opportunity to hear it for so many years since he left us, it may be an opportunity to update him – but he knows that my views are fairly steady over the passage of time, so I do not think he should be surprised by anything that I tell him now. But that does not mean that he can try and seek that to convert it into a rift on policy – heaven forbid – between me and anybody else, and the fact that he thinks that the Chief Minister can, at the blink of an eyelid, overrule everybody, does not surprise me at all. He may well have experienced that in practice. *(Laughter)*.

750 **Hon. D A Feetham:** Yes, the signs of a rift between him and the Chief Minister, me says. *(Laughter)*.

755 But look, every time I hit a raw nerve and every time I make the hon. Gentleman nervous with a question, he brings up my political past. I know that the hon. Gentleman is nervous with my questions. In fact, it *gratifies* me that the hon. Gentleman refers to my political past, because I know that my questions are having the desired effect and it is making the hon. Gentleman nervous.

760 But is not the position this: that the hon. Gentleman *does* intend to dumb down entrance requirements to the public service generally, because he has all these people unemployed and all these people on training schemes that he promised, at the last Election, to employ them at the minimum wage? Isn't that the case?

765 **Hon. J J Bossano:** No, Mr Speaker, but I am glad that he has now revealed his own twisted thinking on the matter, which has led him to all these questions. Before, I was being candid in giving him my views because I thought this was a genuine exchange and he wanted to know how I felt about something or other. Now it turns out that it had nothing to do with that. What he has now invented, and will no doubt propagate, is that what we are trying to do is to allow everybody, without qualifications, into the public service, as if the public service could absorb another thousand people. That shows –

770 **Hon. D A Feetham:** That's what you promised at the last Election.

775 **Hon. J J Bossano:** That is what *you* say I promised at the last Election, Mr Speaker, and which you said would ruin Gibraltar. So now, first of all, he says I was going to ruin Gibraltar by putting a thousand people in. Then, he attacks me because he says now I am not going to do it anymore and therefore I am going back! And now he goes back to accusing me that I am going to do it and I am now taking the entry qualifications away so that I can put a thousand people in and ruin Gibraltar!

780 Look, Gibraltar is not going to be ruined by anything we do in employment, or in the debt over which you used to be so concerned, or in the management of the public finances. I can tell the hon. Member that if he thinks that my answers are making me nervous and that is why I am reminding him of the contradictions in the statements that he makes and the way that he used to express himself before, then if that is the measure of his powers of analysis he must be as wrong about 99% of the stuff he says as he is wrong about that, because on that point he is completely wrong.

785 He does not make me nervous. I just remind him of things because he chooses to say things that compare the present with the past, and every time he does that I will take advantage of the opportunity that he gives me to also compare his present and his past position. We all have to live with the things we have said before, including him.

Hon. D A Feetham: Indeed we do.

790 Just one final supplementary: does he not accept that all the things that I have said to him about what he promised in the Future Job Strategy – that he *did* say it, that he has not done it and he simply will not concede the point – that is the reality, isn't it?

795 **Hon. J J Bossano:** Mr Speaker, I will not concede the point, which is that he chooses to invent what I have said and then expects me to admit it, and he expects me to admit it on the premise, presumably, that if he asks me the same thing enough times he will wear me down and I will eventually say yes. Well, the answer is no, I do not accept *anything* he says. I do not accept...

If he wants me to predict it, I can tell him I will not accept anything he says in the next three and a half years. (*Laughter*)

800 **Clerk:** That concludes answers to Oral Questions.

Questions for Written Answer

805 **Clerk:** Answers to Written Questions, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr. J J Garcia): Mr Speaker, I have the honour to lay on the table the answers to Written Questions 78-94/2012.

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Procedural

815 **Clerk:** The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister: Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

820 **Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*.
Those in favour. (**Members:** Aye.) Those against. Passed.
This House will now adjourn *sine die*.

The House adjourned at 5.50 p.m.