



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.40 p.m.

Gibraltar, Thursday, 15th November 2012

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

### PRAYER

*Mr Speaker*

### Order of the Day

#### CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Thursday, 15th November 2012.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 18th and 19th October 2012.

5 **Mr Speaker:** May I sign the Minutes as a correct record of the proceedings of the last meeting?

*Members voted Aye.*

10 *Mr Speaker signed the Minutes.*

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions.

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## Questions for Oral Answer

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### TOURISM, PUBLIC TRANSPORT AND THE PORT

#### GibiBikes Further roll out of scheme

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**Clerk:** Question 927/2012, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Public Transport advise the House whether the Government is now committed to the further roll out of the GibiBikes scheme?

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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 committed to making a success of the GibiBike scheme, as being both environmentally friendly and as part of the general plan for traffic management.

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This Government identified certain problems with the scheme as originally envisaged under the previous administration, but has now resolved these problems so that the scheme can go ahead to the advantage of everyone.

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It is expected that the remaining bike stations will be in place within the next few months and it is intended that the whole scheme will then be transferred so that it is under the full control of Her Majesty's Government of Gibraltar.

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**Hon. D J Bossino:** Mr Speaker, if you would permit me to be slightly party political in what I am about to say, I obviously welcome the Government's commitment to the scheme. Given that it was started by us, we always thought it was a good scheme and even though I think on the first occasion that we raised questions in relation to the scheme, we got the sense that the Government was not really behind it, but I am very glad that matters are now afoot.

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If the Minister would recall, I think the last time that we, as an Opposition, posed questions in relation to this matter on 21st June, the Minister did say that one of the areas in respect of which he said was making progress was in relation to addressing the concern which the Minister had, Mr Speaker, as to any further problems that the scheme may encounter. Does he have these assurances at the moment?

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**Hon. N F Costa:** Well, Mr Speaker, in the first place, let me start by replying to the preface to the question, which is to say that, at the time that I answered the original question on GibiBikes, what I told the House was that the Government had some serious concerns on the scheme and, in fact, in answer to Question 352/2012, I set out, for instance, the number of stations that were out of action – there were five – and I also listed the many other myriad issues that arose from a product essentially, Mr Speaker, which had only been rolled out on 27th November, so one would have expected that, during the very first year of its first phase having been rolled out would have worked perfectly well.

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I therefore proceeded to list the fact that there were 45 locks which were broken; that out of a bike availability of 130, that had decreased significantly; that anti-tilt tags had been broken; and that the spares to make them roadworthy had not turned up in Gibraltar.

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I also made the point, at the time, Mr Speaker, that the original contract entered into by the previous Government was just for the provision of the scheme and it did not include a contract for maintenance – as a result of which, I am told by the UK company, some of these issues arose, with all due respect and without wishing to agree with the hon. Gentleman, one would have thought that a product in its first year would not have had any of the issues, without the need for maintenance or otherwise. So I am not in any way putting the blame there on the hon. Gentleman, but certainly given that the scheme had so many problems, one could not then throw even further taxpayers' money without properly considering whether or not this was a product which should be rolled out. That is in answer to the first part or rather to the preface of the question.

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The reason why, Mr Speaker, it has taken all of this time to be able to come to a position where the Government is happy to roll out the second phase is precisely because we have been – well, me and my officials – locked down in very detailed negotiations, until we have been satisfied that the issues that have arisen on the roll out of the first phase will not happen again. We now have those written assurances. Whether or not they do arise in practice will remain to be seen, but as I have also told the hon. Gentleman in the last part, when answering his question, what we intend to do is to source locally the maintenance of

the bikes and the repairs of the bikes, so that we will not have to endure the delay of time, for instance, that it has taken for spares to arrive in Gibraltar or indeed to have a situation where, because there is a commercial dispute with the UK company, we cannot progress on other fronts.

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**Hon. D J Bossino:** Mr Speaker, in his first answer the Minister made reference to the... I cannot remember exactly the word he used, but I think basically the running of or the ownership of the scheme was going to be transferred into Government's hands. Can he expand on that?

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**Hon. N F Costa:** Mr Speaker, as the hon. Gentleman knows, the scheme is operated by the Gibraltar Bus Company Limited. It is hoped that... (*Interjection*) Well, what is intended is that as part of the transfer of the operation of GibiBikes to Gibraltar, the Gibraltar Bus Company would be able to train employees within the Gibraltar Bus Company to be able to carry out the repairs and the maintenance, rather than have to rely on an overseas operator, which of course has within it (*Interjections*) its inherent problems.

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**Hon. D J Bossino:** Mr Speaker, in terms of a further roll out, can I ask him a specific question. Can he tell this House how many bike stations remain to be installed? Does he have that information or am I being unfair in posing this question now without any notice?

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**Hon. N F Costa:** Mr Speaker, I do not have the information before me. I will get it for the hon. Gentleman, but we will roll out the exact number of stations that was foreseen in the original contract.

I hope that answers the question, but if he wants the specific number or the location, I will be happy to provide it to the hon. Gentleman.

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**Hon. D J Bossino:** Yes, Mr Speaker, and I am very grateful for that. I take this opportunity now, Mr Speaker, given that we are posing questions in relation to GibiBikes, I have been approached only recently by a part owner of a gaming company, who tells me that his employees are very fond of this scheme and the one issue that they are finding, the one problem that they are finding is the unavailability of bikes. Is that also an issue which is being addressed, given the popularity of the scheme?

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**Hon. N F Costa:** Well, yes, Mr Speaker, in my first answer, I reminded the hon. Gentleman of the series of problems that the scheme was experiencing when we inherited the same, when we came into office. Because we have been in commercial discussions – to describe it in one particular way – because we have been in such discussions, we have not been able to progress on a critical matter, such as the repairs because of this commercial negotiation that has been ongoing.

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We have now come to a satisfactory resolution of all of these issues and we are now waiting for the spare parts to arrive in Gibraltar, to be able to fix the bikes so that there are more bikes available.

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**Hon. S M Figueras:** Mr Speaker, would the Minister be able to confirm whether there is going to be an increase in the number of bikes available as you roll out to the remainder of the stations as planned?

**Hon. N F Costa:** Yes, Mr Speaker, that is the intention.

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**Mr Speaker:** Next question.

**Gibraltar Bus Company Limited  
Employees' promotions, demotions and earnings**

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**Clerk:** Question 928, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Public Transport provide details of the individuals employed by the Gibraltar Bus Company Limited, as at 9th December 2011, and what the position is now, with details of the promotions or demotions since 9th December 2011, and the earnings of the individuals, both before and after the promotions?

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

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**Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman a schedule with the information requested as at 8th November of this year.

The hon. Member should note that the schedule does not include the salaries of the employees, but that I am happy to provide these details in confidence to him.

**ANSWER TO QUESTION NO 928/2012**

**Gibraltar Bus Company Employees**

Surname	Name	Position	Week/Mon	Promotion
Ahakam	Mohamed	Driver	Weekly	
Alvarez Garcia	Marco	Driver	Weekly	
Andrades Tellez	Alberto	Driver	Weekly	
Barea	Yvette	Driver	Weekly	
Bates	Mark	Driver	Weekly	
Beילו	Judah	Inspector	Monthly	
Ben Messaoud	Mohamed	Driver	Weekly	
Ben Youssef	Abdel	Driver	Weekly	
Benhakim	Abdel	Driver	Weekly	
Benyunes	Richard	Driver (FJS)	Weekly	
Bonavia	Michael	Driver	Weekly	
Boulaich	Abdel	Driver	Weekly	
Caravaca	Catalina	Driver	Weekly	
Casciaro	John	Driver	Weekly	
Chacon	John	Driver	Weekly	
Codali	Joseph	G/Operative	Weekly	Admin
Costa	Paul	G/Superintendent	Monthly	
Cosquiere	Peter	Driver	Weekly	
Dalmedo	Julie	Admin	Monthly	Senior Admin
Debono	Michael	Driver	Weekly	Chargehand
El Yettefti	Mohamed	Driver	Weekly	
Fares	Karim	Painter	Weekly	
Flores	Juan	Driver	Weekly	
Garcia	George	Driver	Weekly	
Gonzalez	Miguel Angel	Driver	Weekly	
Holland	Douglas	Driver	Weekly	
Jalarbi	Mohamed	Driver	Weekly	
Lahouiri	Mohamed	Driver	Weekly	
Leto	Edward	Painter(FJS)	Weekly	
Lyons	Thomas	Driver	Weekly	
Lane	Cairon	Driver	Weekly	
Lozano	Juan	Driver	Weekly	
Macian	Jose	Driver	Weekly	
Maldonado	Juan	Driver	Weekly	
Marakchi El	Said	Driver	Weekly	
Martinez	Clive	Chargehand	Monthly	Manager
Mauro	Pepe	Driver	Weekly	
Mesa Ruiz	Rafael	Driver	Weekly	
Munoz	Manuel	Chargehand	Weekly	
Parker	Janet	Admin	Monthly	
Peach	Kevin	Driver	Weekly	
Porro	Alfred	Driver(FJS)	Weekly	
Perez	Derek	Driver	Weekly	
Olivera	Manuel	Inspector	Monthly	
Rocca	Antonio	G/Operative	Weekly	
Rodriguez	Clive	Driver	Weekly	

**CONT. ANSWER TO QUESTION NO 928/2012**

Surname	Name	Position	Week/Mon	Promotion
Rodriguez	Eddie	Driver	Weekly	
Ruiz Naraez	Juan Antonio	Driver	Weekly	
Salgado	Jose	Driver	Weekly	
Snape	Martin	P/T Driver	Weekly	
Tarraf	Mohammed	Painter	Weekly	
Traverso	Alfred	Admin	Monthly	Manager
Tiron	Gigi	Driver	Weekly	
Trujillo	Alfred	Driver	Weekly	
Usquieri	Derek	Labourer	Weekly	
Villanueva	Felix	P/T Driver	Weekly	
Vinales	Ivan	P/T Driver	Weekly	
Yome	Pepe	Chargehand	Weekly	
Zarb	Joseph	Driver	Weekly	
Gibibikes				
Cosquiere	Paul	Bike Mec	Weekly	
Kirk	Suat	Bike Mec	Weekly	
Victory	Emerson	Bike Mec	Weekly	
Pizzarello	Mark	Bike Mec	Weekly	
<b>Casey</b>	<b>Aiden</b>	<b>Bike Mec(FJS)</b>	<b>Weekly</b>	

140 **Hon. N F Costa:** Mr Speaker, I also take the opportunity to advise the hon. Gentleman that, on the last occasion, he specifically asked me about the –

**Mr Speaker:** Will the hon. Member please pay attention, because this is referring to a matter that was left outstanding at the last meeting.

145 **Hon. D J Bossino:** I am paying attention, Mr Speaker, whilst I read a rather lengthy schedule.

**Hon. N F Costa:** Well, Mr Speaker, the hon. Gentleman on the last occasion asked me specifically for qualifications of the new managers, and I promised the hon. Gentleman that I would provide that to him.

150 I have now a sheet to hand over to him which sets out exactly that and I would be grateful if the kind lady would –

**Mr Speaker:** It has to be photocopied, does it or – ?

**Hon. N F Costa:** I can provide that copy to the hon. Gentleman. I have got a copy in the office.

**SUPPLEMENTARY TO QUESTION NO 833/2012**

Qualifications of New Managers

**Alfred Traverso**

Spanish O Level Grade B

French CSE Grade 1

City & Guilds Shipbuilding/Fabrication & Welding Shipwright Apprenticeship Indentures

Steelworker/Welding Retraining Course

ISO 9002 Quality Manager Accreditation (awarded by EMAS Consultants)

Excel

Excel Advanced course

Word processing Stage 2

Word processing medical Stage 2

Word processing legal Stage 2

9 years experience as Operations Manager of a Security Company

8 years experience as Office Admin of the bus company working closely to the then Director of Operations

**Clive Martinez**

Vast experience in dealing with the public in the Tourism Trade having undertaken

British Airways Load Control B737/B737-236 courses

Airline System Operations SITA, SABRE & BABS

3 years experience as Office Manager

3 years experience as Managing Director of a Travel Agency

3 years experience as Sales & Marketing Manager of a Travel Agency

8 years as Chargehand of the bus company very much involved with the daily operational side of the daily running of the company.

(these persons applied for the post as they felt they could meet the requirements of the internal vacancy's expectancy as laid down by the then Director Mr Paul Martinez –see page 3 – vacancy as directed by Paul Martinez)

155 **Mr Speaker:** Does the hon. Member have any supplementaries?

**Hon. D J Bossino:** Mr Speaker, [inaudible] (Interjections)

**Mr Speaker:** That is a separate issue.

160 **Hon. D J Bossino:** Mr Speaker, by way of clarification, this is a rather long... or rather, the information contained in the schedule is quite lengthy. I am trying to get my head round this as quickly as I possibly can.

Now, as I understand it, Mr Speaker, this is basically a snapshot of the employee situation as at 8th November 2012. I did ask as well, Mr Speaker, in the first limb of my question, what the position was as  
165 at 9th December, with the idea that I would also get information not only of promotions and the movements, but also of any new employees that have come in.

If I look at this now, I am not sure what the position was, as at 9th December 2011, unless I have misread or am not reading the schedule in its entirety. Perhaps the Minister can explain?

170 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman asked me to provide details of the persons employed in the Bus Company, which I have set out in a page-and-a-half schedule. He has asked me for the details: the positions are also listed on the third column. (**Hon. D J Bossino:** Yes.) He has asked me about promotions: those that have been promoted have, on the fifth column, a citation to the new  
175 positions to which they have been promoted. He has also asked me for any demotions. There are no demotions; therefore, he will find none in the schedule. He has also asked for earnings, which, as I told him in my original answer, I will not provide across the floor of the House, but that I will provide it to him in confidence.

180 **Mr Speaker:** If you look at the question again, it is about... He is asking initially for details of the individuals employed as on 9th December 2011. Were all these people employed (**Hon. N F Costa:** Oh, I see.) on 9th December 2011 or were they not?

**Hon. N F Costa:** Oh, Mr Speaker, I would not have the answer to that. I will have to go back and find out. I see the point that the hon. Gentleman is making.

185 I do refer him to a previous answer that I gave, when I noted the number of people that had been dismissed, but I will have to go back and obtain that information for him. I see the point.

**Hon. D J Bossino:** I am grateful for that clarification, Mr Speaker. That was precisely the intent of the question.

190 Mr Speaker, if I had an opportunity to read the schedule which has been handed over to me in respect of the supplementary to Question 833/2012 and ask supplementaries in relation to that?

**Mr Speaker:** I am going to allow you to ask any question for clarification as if this were a statement that has been made. Clarification only.

195 **Hon. D J Bossino:** Mr Speaker, I am not sure whether what I am now about to ask is a clarification but no doubt, Mr Speaker, you will no doubt reprimand me accordingly or stop me.

200 Mr Speaker, the question I was going to ask in relation to the answer to supplementary to Question 833/2012 is: is the Minister satisfied...? He has given me a list of qualifications which are held by Mr Alfred Traverso and Mr Clive Martinez, who are the recent appointees, but really the point I was driving at, at the last sitting, but I was not permitted to continue by yourself, Mr Speaker, was whether he is satisfied that these qualifications are the qualifications required pursuant to the Transport Act 1998. I am not sure whether I can ask that question, Mr Speaker.

205 **Hon. N F Costa:** Mr Speaker, I have already answered the question, which was that the board that selected these candidates were satisfied.

**Mr Speaker:** Next question.

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**Gibraltar Bus Company Limited  
Provision of advertising**

215 **Clerk:** Question 929, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Public Transport advise the House which company, and if not a company, the individual who now provides advertising on the bus fleet of the Gibraltar Bus Company Limited?

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

**Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, advertising on the bus fleet of the Gibraltar Bus Company Limited is now being undertaken by Big Publications Gibraltar Limited.

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**Hon. D J Bossino:** Mr Speaker, I am not sure what process was carried out before this particular company was able to secure this contract. Can I ask the Minister that specific question: what process was carried out before this company was chosen?

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**Hon. N F Costa:** Yes, of course, Mr Speaker. The process was carried out by the former Head of Procurement, Ms Cynthia Eagle, who is my Principal Secretary. The way that it worked was that Ms Eagle requested for the Bus Company to obtain proposals from different companies and therefore different companies were approached. These companies – four in total – provided proposals to the Gibraltar Bus Company Limited. The persons involved in discussing and reviewing the proposals were Ms Cynthia Eagle, another civil servant and the two managers of the Bus Company. Out of the four proposals received, the most favourable proposal and the one recommended to me was Big Publications.

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**Hon. D J Bossino:** Can I ask the Minister whether the choosing of the new company... I am assuming Big Publications did not previously enjoy the benefits of this particular contract and, if that assumption is correct, I will predicate this question based on that assumption.

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Mr Speaker, can the Minister tell me whether the requirement to appoint a new company arose as a result of the previous company's contract having finished?

If I can assist, was the company which was the beneficiary formerly of this contract... was that contract terminated as a result of Government action or did it just reach the end of its contractual life?

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**Hon. N F Costa:** Mr Speaker, I do not know exactly the answer, but I doubt that the former Head of Procurement would have advised me that they had to initiate a process to procure the services of advertising for the buses without the contract having expired, but because I do not know the answer, I do not want to say that that is the answer.

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I can check and revert to him, either in writing or at the next session of the House.

**Mr Speaker:** Next question.

**Hon. D J Bossino:** Mr Speaker, I have a further supplementary. (**Mr Speaker:** Yes.)

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The Minister, Mr Speaker, has said that he has relied on this, if I can put it in those terms, 'board' which has dealt with the procedure. Is the Minister who is politically responsible for this company satisfied that this company which is called Big Publications Limited has a required pedigree and requisite experience to deal with advertising?

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**Hon. N F Costa:** Mr Speaker, the hon. Gentleman always prefaces by saying 'they do have political responsibility for these responsibilities'. I always accept that I do have ultimate political responsibility for my constitutional responsibilities and therefore am answerable in this House.

I did not personally either interview or review the proposals. I accepted the recommendation that was made to me by the selection board that advised me.

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I do have, however, a chart that explains to me the reasoning why this particular company was chosen and in the first place, it sets out that the printing will be carried out in Gibraltar; that the Board did themselves attend to make sure that the printing would be carried out in Gibraltar; and it proposes to generate net revenue for the Gibraltar Bus Company, through the advertising, of £60,000.

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The proposal in terms of artwork, etc was seen as the most exciting and dynamic, and because the hon. Gentleman knows that I have been very keen to stress in the past that we need to start to knuckle down on costs, the fact that this company did provide revenue generation for the Company is obviously something that would have been looked at favourably by the Board.

**Hon. S M Figueras:** Mr Speaker, is the Minister able to confirm whether there was a net revenue arrangement with the previous contractor? As far as I have been made aware, I was certain there was such an arrangement in place.

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**Hon. N F Costa:** Well, Mr Speaker, I would need specific notice of that question, but the table that has been prepared for me says that the offer of revenue to be generated for the Bus Company of the other companies stands as zero pounds, and this company stands as £60,000.

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**Hon. S M Figueras:** Zero pounds versus £16,000?

285 **Hon. N F Costa:** Six zero – net six zero – sixty.

**Hon. S M Figueras:** For the new company – sixty?

**Hon. N F Costa:** For the new company, sixty.

290 **Hon. S M Figueras:** I am grateful for the answer, just one final supplementary, certainly from me in this respect.

Is the Minister satisfied and I suspect that he will say that he has because he has already said that he has accepted the Board's recommendations. Is he satisfied that the quality of the product offered by the new contractor will match the quality of the work that was produced by the previous contractor?

295 I say this because, as a user of the bus service, Mr Speaker, I have become concerned about the appearance of the publications on board and the general state of the buses. I was wondering whether perhaps he is satisfied that that will indeed be the case?

300 **Hon. N F Costa:** Mr Speaker, as I just answered to my other hon. Gentleman, Mr Bossino, the Board did personally inspect the quality of the production, as I said before. I was only shown the artwork once the Board had made their recommendation and it looked quite vibrant, modern and dynamic to me. But I did not physically go to inspect it, as I keep repeating.

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**Trade licensing for supermarkets  
Government policy**

310 **Clerk:** Question 930, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism, Mr Speaker, advise the House whether it is the Government's policy to continue with the Direction issued by the previous Government in relation to the trade licensing of items sold at supermarkets other than foodstuffs, domestic consumables, beverages and tobacco?

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

**Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, no, it is not our policy to continue with this Direction and the Authority has been accordingly advised.

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**Hon. D J Bossino:** Mr Speaker, that is a very clear answer.

Can I ask the Hon. Minister why that is the case? We took a view, when we were in Government, that in order to protect particularly businesses in our main commercial thoroughfare, which is Main Street, and in other areas of Gibraltar, it is important, Mr Speaker, that this Direction ought to have been followed, pursuant to the provision in the Trade Licensing Act which basically requires the Trade Licensing Authority to consider, in connection with the public interest consideration, which they have to take into account before coming to the decision, the public interest in Gibraltar plc or Gibraltar inc, in having the commercial entities in Main Street protected.

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This really arises, Mr Speaker, because it has come to my notice, it has been advertised in the *Gazette*, that there is an application by a company, I think it is Rotunda Holdings Ltd, to sell items which include things like televisions and radios, all kinds of audio and video equipment, DIY goods. The ambit of the application is indeed very wide and in fact overlaps in respect of those items which we, when we were in Government, were very concerned to protect.

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So I appreciate, Mr Speaker, it is a long preamble. I normally do not like to give them, but it is a really short question and the question is why?

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**Hon. N F Costa:** Mr Speaker, I am a little surprised about the supplementary, not least because the hon. Gentleman, before he asked me the question in this House, in fact called the Trade Licensing Secretary to ask that very question, and there was an answer provided to him by e-mail, which was:

340

'Good morning Damon.

Sorry for the delay. I have attached the Direction in question and I have confirmed that the Direction was issued *ultra vires*.'



345 That answers the question straightly and simply, so he does already know the answer. It is interesting he should have asked me the question after he had asked the same question to the Trade Licensing Authority (TLA).

**Hon. D J Bossino:** Mr Speaker, I appreciate if that is the reason why, presumably if I can interpret the answer, it is because the Government has received legal advice and it is *ultra vires*.

350 I appreciate that I would be breaching, I think, the Rules of the House, if I would ask him for his view as to whether that is in fact the case. Certainly, my view as a professional – and not only as a politician; as a professional – I do not think it is *ultra vires*. I think the Government does have the authority to do so under... I can take him to the precise section. It is in relation to the matter we will hopefully be dealing with in this sitting of the House, the amendments to the Trade Licensing Act. I do have a copy of the substantive Act and there is a provision, Mr Speaker, which allows the Government to issue Directions in order to assist the Trade Licensing Authority, in relation to public interest matters.

355 I personally do not think it is *ultra vires*, the provisions of the Act.

**Hon. N F Costa:** Mr Speaker, without wishing to make this into a legal submission in reply, may I answer my hon. Friend by saying that, of course, I did receive legal advice from Peter Rodney, who is the legal adviser to the Trade Licensing Authority on all matters. He in fact sits with them at hearings and his view was that the Ministerial Direction that the hon. Gentleman describes, the one that we are talking about, was issued in good faith by the previous Government, but in his view, it appears, on consideration, that it may have been issued wrongly, in that the correct legal powers to issue it were not used.

360 That was the advice that he gave the TLA and, as a result of that advice, it was the TLA that decided to disregard the Direction, since the problem was brought to its attention. So, in other words, it is not that the Government took a look at the Direction, decided that it was *ultra vires* and directed the Licensing Authority; it was that, as a result of a hearing, advice was asked for, advice by Mr Rodney was proffered, the advice being that he did not think it had been issued appropriately; and it was the TLA which is entirely independent that took the decision that, as a result of the advice, it would disregard that Direction. Of course now we, the Government, are considering whether or not we have any Direction in relation to supermarkets.

370 I hope that clearly sets out the sequence of events that led to this Direction being disregarded by the Authority, rather than by the Government deciding that it was not to follow that Direction.

375 **Hon. D J Bossino:** Mr Speaker, I am not sure whether I am able to ask this question and no doubt –

**Mr Speaker:** I will allow you one last supplementary.

380 **Hon. D J Bossino:** Not just because of, perhaps, the length of the exchange; it is simply to ask for your advice, Mr Speaker, across the floor of the House, as to whether I can ask the Minister –

**Mr Speaker:** I think there is a limit to the extent to which you can get involved in purely debating legal questions. There is a limit to that.

385 **Hon. D J Bossino:** Yes, the question is whether the Minister would be able to provide me with details of... If the advice has been proffered in writing, whether he would be able to provide me with that advice.

390 **Mr Speaker:** Very well.

**Hon. N F Costa:** With your indulgence, I could give him the answer in one sentence, to avoid the need for me to have to write later and we can finish this legal argument.

395 **Mr Speaker:** Do so and then we will leave it at that.

**Hon. N F Costa:** The specific advice given to me by Mr Peter Rodney was that section 48 of the Gibraltar Constitution notes of the delegation from the Governor to the Government of certain powers, but that through oversight or otherwise, the powers were not properly delegated from the Governor to the Government and that therefore the Direction was not properly issued, as a result of this.

400 **Mr Speaker:** Next question.

405

**Old Ice Box building  
Resurfacing works progress**

410 **Clerk:** Question 974, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise us as to progress of the resurfacing works being undertaken at the site of the old Ice Box building?

415 **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, as the Government announced by way of Press Release 314/2012 on 23rd May, the works to carry out repairs and improve the condition of the surface along several areas of the Western Arm were completed in June of this year.

**SPORTS, CULTURE, HERITAGE AND YOUTH**

425 **Fire station  
Installation of new smoke extractor system**

**Clerk:** Question 931 the Hon. Mrs I M Ellul-Hammond.

430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade inform this House when the new smoke extractor system for the fire station was installed and if not yet done, when it will be installed?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the extractor system installers, Independent Air Conditioning Ltd, have advised us that the installation works commenced last Tuesday, 13th November, two days ago and estimate that the system will be fully installed and operational by mid-December.

440 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Hon. Minister advise when did this service go out to tender?

445 In January's Parliament, he said that it would not be going out to tender because there were only two companies that could provide the service, i.e. Nederman from Sweden and Ecovent from Germany. When did the service go out to tender and why were those two companies that he mentioned back in January then not considered?

**Hon. S E Linares:** Mr Speaker, I would need notice of that question, because as I understand it...

450 **Mr Speaker:** But have you not said that it did not go out to tender?

**Hon. S E Linares:** No, it did not go out to tender

455 **Mr Speaker:** It did not go out to tender, because there were only two –

**Hon. S E Linares:** Right, that is the first thing but yes, I understand what she is saying, because it seems that it is the name of a different company than the two stated.

460 I will go back to the City Fire Brigade and ask them whether they have any relationship. Maybe some of the companies are subsidiaries to the two that I mentioned, but I will give her the answer, Mr Speaker.

**City Fire Brigade  
Full audit costs and findings**

465 **Clerk:** Question 932, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with the responsibility for the City Fire Brigade state when the full audit of the City Fire Brigade was completed, how much it cost and what the findings from it were?

470

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the full audit of the City Fire Brigade will commence on the 25th November, therefore the costs and fundings are not yet available.

475

**Mr Speaker:** Next question.

480

**New Fire Station  
Commencement and location**

**Clerk:** Question 933, the Hon. Mrs I M Ellul-Hammond.

485

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade state when Government will be starting work on the new Fire Station and where it will be located?

490

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the answer to this question is the same as the reply given to Question 354/2012. Government is not in a position to state where the new Fire Station will be located.

495

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister confirm that this is because a decision will be made after the audit is completed?

500

**Hon. S E Linares:** Yes, as has been stated before. I have mentioned that before in the House, that we are waiting for the audit, but not necessarily just straight after the audit will we have a location. What we are looking at is the whole thing holistically.

**Clerk:** Question –

505

**Hon. Mrs I M Ellul-Hammond:** I am grateful for that. I just only ask the question because you did state in the manifesto that within three months of the Election, as a priority, would commence work on the new Fire Station. I just wanted to establish the answer.

510

**Hon. S E Linares:** Was that a question, Mr Speaker?

**Mr Speaker:** She can rephrase it as a question.

**Hon. Mrs I M Ellul-Hammond:** Is that so?

515

**Mr Speaker:** ‘Did the Hon. Minister not say –?’

**Hon. Mrs I M Ellul-Hammond:** Yes, exactly – did the Hon. Minister not say that?

520

**Hon. S E Linares:** Yes, Mr Speaker.

**Gibraltar Cricket Association and/or Gibraltar Rugby Football Union  
Discussions re renewed facilities**

525

**Clerk:** Question 934, the Hon. E J Reyes.

530 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure state if he has, since his answer to Question 843/2012, held discussions with the Gibraltar Cricket Association and/or the Gibraltar Rugby Football Union, in respect of providing renewed facilities for the playing, teaching and development of their respective sports and if so, provide details of any agreements reached?

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

535 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, since my answer to Question 843/2012, barely a month ago, I have had the pleasure of meeting the Gibraltar Rugby Football Union, where we discussed the provisions for the renewed facilities for the playing, teaching and development of their respective sports.

540 No agreement has been reached.

**Sports Grants  
Details of payments**

545 **Clerk:** Question 935, the Hon. E J Reyes.

550 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provided details of payments made since his answer to Question 844/2012 in respect of Sports Grants for the following: (a) Grants to Sporting Societies; (b) International Competitions; (c) Sports Development Projects and (d) Hosting of special Sports and Leisure events?

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

555 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite the details requested in relation to the payments made since my answer to Question 844/2012 in respect of the Sports Grants.

**ANSWER TO QUESTION No: 935/2012**

**(22) Grants to Sporting Societies**

Pool – Competition UK	£7,250.00
Tenpin Bowling – World Cup	£1,053.22
Darts – Pro Players Grants	£6,000.00
Athletics – Competition in Barcelona	£ 264.74
Darts – Competition UK	£1,725.00

**(23) International Competitions**

Nil.

**(24) Sports Development Projects**

Triathlon Association Electronic Systems	£2,500.00
Athletics – Congress Malta	£ 595.00
Pool – Professional Coaching	£ 872.96
Rowing – National Rowing Champs	£4,809.90
Triathlon – Congress New Zealand	£ 389.50
Football National Squad Competition	£7,500.00
Climbing – Competition UK	£1,169.50
Badminton – Schools development	£2,363.63

**(25) Hosting of Special Sports and Leisure Events**

Gibraltar Masters Darts - Deposit	£30,000.00
Tenpin Bowling Rock Masters	£10,000.00

560 **Hon. E J Reyes:** Mr Speaker, does the Hon. Minister have slightly more information on the penultimate item listed here, the Gibraltar Masters Darts? I see there is £30,000 allocated as a deposit. Would he perhaps expand a bit further – a deposit in respect of what event?

**Hon. S E Linares:** Mr Speaker, this is about a European circuit darts competition that will be held in June next year. The organisers want us to commit ourselves to doing that, therefore they have asked for a

565 deposit of £30,000. They will be bringing all the world champions to Gibraltar, a very exciting... I am  
very excited about the tournament they are doing. They will be bringing television in. It will not be  
beamed live, but it will be another programme like we did with the Strongman Competition, in which a  
570 50-minute programme will be beamed on Sky Sports. As everybody knows, darts is becoming an up-and-  
coming sport. We are then bringing them over here and this will be one of the European circuits. That  
means that they are developing a circuit where they already have a championship in Vienna, they have  
one in Berlin, they have one in Ireland and Gibraltar will be part and parcel of that European  
championship. Therefore, because it is important that we are part and parcel of this ranking tournament,  
they ask for a deposit of £30,000.

575 **Hon. E J Reyes:** And Mr Speaker, if the deposit is £30,000, does the Minister have any sort of  
estimated figures of what are the further payments that will be made, ending up in which grand total?

**Hon. S E Linares:** Not at this stage, because it is a thing that we need to evaluate with production and  
all that, so it is a deposit of £30,000. Obviously, it will be more, but I cannot, at this stage, give the hon.  
580 Member an exact figure. But I can tell you it is not a bottomless pit.

**Hon. E J Reyes:** I was going to say, Mr Speaker, we have made a deposit of £30,000. Surely  
somewhere within the budget, there must be a figure saying, 'Look, more or less, with a 10% or 20%  
margin up or down.' Is this going to be a £100,000 contribution at the end of the day or just £50,000? Can  
585 I at least have some sort of indication of what figure we are aiming towards?

**Hon. S E Linares:** We are talking about the range of £100,000.

**Mr Speaker:** Next question.

590

**Victoria Stadium, Pitch Number 1  
International Rugby Board approval for use**

595 **Clerk:** Question 936 the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm if the new playing surface recently  
installed at Pitch Number 1 at the Victoria Stadium also enjoys or will very soon enjoy, full approval and  
600 certification by the International Rugby Board (IRB) for the playing of international rugby matches?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, sir, I can confirm that  
the new playing surface installed at Pitch Number 1 at the Victoria Stadium will enjoy full approval by  
605 the International Rugby Board for the playing of international rugby matches.

**Hon. E J Reyes:** And just for the sake of clarification, Mr Speaker, may I ask the Minister to confirm  
that that means that if it carries the full approval, therefore scrums and so on will actually be permissible  
610 on the new playing surface, as opposed to that having been curtailed in the previous version of the pitch  
that was available?

**Hon. S E Linares:** Well, Mr Speaker, I am not an expert in rugby but if the International Rugby  
Board is happy that an international rugby match can be played there, I am sure they are not going to now  
615 abolish the scrums. So I am assuming that is the case.

**Hon. E J Reyes:** Would it at some stage be possible for the Minister to be able to confirm to me...? I  
accept the honesty that all he can say at the moment is that he assumes, but I would like to know as a  
reality whether it will or will not.

620 **Hon. S E Linares:** Well, Mr Speaker, in the answer I say I can confirm that the new playing surface  
installed on Pitch Number 1 will enjoy *full approval* by the International Rugby Board. Now, what I am  
saying is that if the International Rugby Board is happy that international rugby matches can be played  
there, it would have to be a change of the rules in rugby that scrums are now allowed.

625 So that is why it is an assumption, because I doubt very much that any rugby international match will  
not have a scrum.

**Victoria Stadium, Pitch Numbers 1 and 2  
Gibraltar Rugby Football Union use**

630 **Clerk:** Question 937, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sports and Leisure explain why no allocations have been offered to the Gibraltar Rugby Football Union at either Pitch Number 1 or 2 within the Victoria Stadium Complex during weekdays after 6.00 p.m. so that adults can attend to coach junior players or train in the sport themselves?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Gibraltar Rugby Football Union (GRFU) has not, in past years, ever been granted allocations after 6.00 p.m. in either the Victoria Stadium Main Pitch or Pitch Number 2.

640 Allocations for junior rugby coaching are made available to the GRFU in Pitch Number 2 on Wednesdays at 3.30 p.m. and on Sunday mornings and in the range area, during the week after school hours.

645 An allocation in the Westside School synthetic turf area was offered during the weekday evenings, as in previous years, but this was rejected by the GRFU, as they considered that the surface was not suitable for their current needs.

**Hon. E J Reyes:** Mr Speaker, thank you for the analysis of previous allocation and so on. My question was specific for this time round based on information that the Hon. Minister has provided me in the schedule in his answer to Question 845.

650 What I am asking for is weekdays, that is Monday to Friday, after 6.00 p.m. there is no allocation for example Pitch Number 2, which in the past there had been. So I am asking why this year that is not provided, because that curtails then the ability for the coaching of junior players and so on.

655 **Hon. S E Linares:** Mr Speaker, the question has been answered. It has not in the past ever been granted allocations and therefore if it has not been granted, I am assuming again that the GSLA will not grant those allocations this year.

660 **Hon. E J Reyes:** Mr Speaker, can I propose that the Hon. Minister actually checks and he will find that in the past, on weekdays after 6.00 p.m., the Rugby Union has enjoyed the use of Pitch Number 2, and then perhaps we can carry on the discussion of that, because at the moment he thinks, given the information he has, that has not come across, and I recall that allocations have been granted. So otherwise we will just be talking at cross purposes. I think the Minister deserves an opportunity to check on the information.

665 **Hon. S E Linares:** Well, I will check with the person who has answered the question!

670 **Sports, Culture, Heritage and Youth  
Trainee placements and accredited qualifications**

**Clerk:** Question 938, the Hon. E J Reyes.

675 **Hon. E J Reyes:** Mr Speaker, further to his answer to Written Question W144/2012, can the Minister for Sports, Culture, Heritage and Youth state the following: (a) until when will the training periods in which the various trainees placed within his Ministries last; (b) what training has been provided within the 'Job Description' undertaken by the trainees; (c) what accredited qualifications, if any, will the trainees attain at the end of the training period/placement?

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

685 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to my answer to Written Question W144/2012, the answer is (a) the training period for the trainees with different Ministries will last as and when the Employment and Training Board notifies us that they will be moved to acquire further skills; (b) the training provided depends on the trainee, department and job

description; and (c) the trainee will obtain experience on the job that will serve for their personal CV and their future job applications.

690 **Hon. E J Reyes:** In reply to section (b), he has given me a very general type of answer, without specifically saying what training is being provided, just saying that training is being provided. I have asked *what* training is being provided within the job description. I was expecting at least a bit of meat on the bone.

695 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I think I need to remind the Member that the people who are in the public sector are not being trained for public sector jobs. They are being trained to... because we have got them placed there pending an opportunity to move them to the private sector, when there is a provider, in line with the answer that I gave before.

700 So really, (*Interjection*) they are used in the public sector in many cases, because there were people from the VTS on 1st February. We gave everybody the commitment that we would take them on and when employers who had them placed with them said they did not need them, they would not sign a partnership agreement and would not give them employment, since we were paying them anyway, we have shifted them somewhere else, where we would get some return on the investment we are making in their skills. But they are all available to be moved at any time. (*Interjection*)

705 **Hon. D A Feetham:** Yes, the Hon. the Minister for Sports says that is the answer that he has given. May I ask the Hon. the Minister for Employment: so therefore the answer that the Hon. the Minister for Sports gave me a few months ago, that in fact placing them in the public sector was designed to actually give them an edge in case any vacancy arose in the public sector, that is not the case and that is inaccurate.

**Hon. J J Bossano:** Well, Mr Speaker, I think if the hon. Member remembers the answer and the question, he remembers the comments that were made at the time.

715 In case he has forgotten them, which apparently it suits him to forget, the reality is that it is not an unreasonable assumption that, when people go for an interview and they have been in a department, they will have some knowledge of the work with a department, which may assist them, but as he knows from other questions that he has put, when people are selected, that is a factor that may or may not be taken on board by the interview board. That is the decision of the interview board.

720 **Clerk:** Question 939, the Hon. –

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

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

I just wanted to ask one other small matter. On part (c) of my question, I asked about accredited qualifications. I know that in the past – and I hope that it still continues to do so – that the GSLA offers courses that allow both members of GSLA and other sports lovers to attend and get accredited qualifications, in respect of sports development, introduction to coaching and so on. Is the Minister in a position to confirm if any trainees who may be within the Sports and Leisure Authority, of which in the past he has confirmed that there are, are they attending these courses and therefore he could fall under the category that he has reason to expect that they will attain accredited qualifications?

735 **Hon. S E Linares:** Mr Speaker, as I understand it, there is only one trainee in the GSLA and that trainee is doing administrative work – or at least administrative *training*.

**Hon. D A Feetham:** Yes, I looked at the answer that you gave during the last session of the House –

**Mr Speaker:** ‘*Mr Speaker*, I looked at the answer that the Hon. Minister gave.’

740 **Hon. D A Feetham:** Mr Speaker, I looked at the answer that the Hon. Minister gave last month to the questions of how many trainees were receiving training within his Department. Now of course, we have now heard the Hon. the Minister for Employment say the policy of the Government is to actually hopefully shift those trainees from the public sector, where they are receiving training, into the private sector.

745 May I ask him what relevant training is a 64-year-old trainee receiving within his area of responsibility, his Department, as a librarian to be shifted into the private sector?

750 **Hon. J J Bossano:** Well, Mr Speaker, I think we would need to look into it, but I can tell the hon. Member opposite that probably no more sophisticated training than was being received when the GSD was in power and they had somebody in the Home who was 65 and was a trainee in the VTS –

**A Member:** On the Youth Training Scheme?

755 **Hon. J J Bossano:** As part of the Youth Training Scheme.  
So I suppose a young 65 was probably being treated no differently from a young 64 – and the question is being answered by a young 73!

**Mr Speaker:** Next question.

760

**International Symposium on ‘History of the Spanish Masonry’  
Breakdown of expenses**

765 **Clerk:** Question 939, the Hon. E J Reyes.

**Hon. E J Reyes:** Further to his answer in reply to Question 836/2012, is the Minister for Culture now in a position to provide a full and detailed breakdown of expenses in respect of his Ministry’s £28,000 sponsorship of the International Symposium on the ‘History of the Spanish Masonry’, which was held in Gibraltar during the month of October 2012?

770

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

775 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, full details of payments have not been finalised. Government will be in a position to do so, once the organisers of the International Symposium have received all invoices appertaining to the said event.

780

**Gibraltar Music Festival 2012  
Payments to Axel Media and Word of Mouth**

**Clerk:** Question 940, the Hon. E J Reyes.

785 **Hon. E J Reyes:** Further to his answer in reply to Question 838/2012, is the Minister for Culture now in a position to provide a full breakdown of payments made, or committed to make, in favour of Axel Media and Word of Mouth in respect of the production and organisation of the 2012 Gibraltar Music Festival?

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

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, payments in respect of the production and organisation of the 2012 Gibraltar Music Festival are: Axel Media, £25,000; Word of Mouth, £30,000.

795

I must add that these payments appertain to two individual invoices only.

**Mr Speaker:** ‘To two individual invoices only’.

800 **Hon. E J Reyes:** Does the Minister have any breakdown of how the £25,000 adds to that total and likewise for the £30,000?

**Hon. S E Linares:** No, Mr Speaker, that is why I said that there were two individual... This was the fees that they were asking for the organisation of the Festival, and that is one payment. There is no breakdown as such; it was the whole works that they did.

805

**Hon. D J Bossino:** Mr Speaker, just to clarify one question I have in my own mind, is the Minister expecting to receive more invoices, or would that be an incorrect interpretation of his answer?



810 **Hon. S E Linares:** I think there are a few invoices still left, but I would need a little bit of notice for that. But I think nearly all of them have come in already, but there might be one or two still pending. I am talking about different issues of maybe somebody who has covered the surface or some other small invoices that need to come in.

815

**Cultural Grants  
Details of awards**

820 **Clerk:** Question 941, the Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Culture provide details of further Cultural Grants awarded, if any, since his answer to Question 839/2012?

825 **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, there have been no further Cultural Grants awarded since my answer to Question 839/2012.

830 I must add that this information is posted on the statistics page of the H M Government of Gibraltar website, and updated as and when required.

**Mr Speaker:** Next question.

835

**Clarendon Fine Art Gallery, Mayfair, London  
Government's financial contribution**

**Clerk:** Question 942, the Hon. E J Reyes.

840 **Hon. E J Reyes:** Can the Minister for Culture state what financial contributions, if any, Government has made towards the exhibition held recently at Clarendon Fine Art Gallery in Mayfair, London?

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

845 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the only contributions made by Government towards the exhibition held recently at Clarendon Fine Arts Gallery in Mayfair, London are: (a) the cost of air freighting the artworks to London, £2,534.25; (b) flights for a Clarendon representative to visit Gibraltar, which was £465.48.

850 Mr Speaker, I would like to take this opportunity to thank all those involved in this venture and helping in fulfilling the Government's policy of exporting our artworks abroad.

855 **Hon. E J Reyes:** Mr Speaker, when the Minister said that he paid towards the flight of a representative from Clarendon to come over to Gibraltar, for what purpose did that person come to Gibraltar?

**Hon. S E Linares:** Mr Speaker, the person who owns the Clarendon had to view the artwork before taking it over. She did not know what type of artwork she was going to take over, so she flew to Gibraltar in order to assess the artwork, before she packed them to take them over.

860 **Hon. E J Reyes:** To choose the...?

**Hon. S E Linares:** To choose them.

865 **Hon. E J Reyes:** Mr Speaker, for the sake of clarification, can the Minister then confirm that those artists whose works were chosen and therefore were so proudly shown at the Clarendon Gallery, those who attended did so under their own financial resources, without any grants in any respect being offered?

870 **Hon. S E Linares:** Mr Speaker, apparently most of them attended the opening and were there and they went of their own accord. The Government did not sponsor anybody to fly over for the opening or for the duration of the exhibition. As I understand it, the only expense was the one that I have just stated.

**Hon. E J Reyes:** Thank you for the clarification, Mr Speaker.

875

**HEALTH AND ENVIRONMENT**

**New power station  
Progress made**

880

**Clerk:** Question 943, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, Mr Speaker.

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Can the Minister for the Environment provide details to this House about progress, if any, made in relation to the building of a new power station and any steps it is taking to provide Gibraltar with a stable and predictable source of power for the future?

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

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**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, an interim solution has been devised which will not only instantly improve local air quality, but will also provide security of supply during the coming winter months. This was announced publicly last week.

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To this end, the Government has entered into a two year-arrangement (with the option to extend to three) with Energy International Inc of the United States, for the supply of temporary, electrical power using rental turbine power, dual fire generating sets which will allow the servicing of existing generating plants to be undertaken, whilst increasing the resilience of the installed generating capacity. The units will be fuelled with diesel.

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The turbine units will be installed at the north-western end of the North Mole, away from residential areas. These units operate on proven technology and are extremely reliable. They also incorporate 'SoLoNox Low Emission Technology', which is considerably more environmentally friendly compared to the diesel engine technology that has been used in Gibraltar for power generation for the last 80 years.

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The new temporary units will each provide up to five megawatts of generating capacity and are designed to run 24 hours a day. The 12 skid generators imported by the previous administration (eight rented and four bought outright) were capable only of one megawatt generating capacity each and were not designed to be run continually. These skid generators may soon become surplus to requirements.

910

The Government envisages that the new temporary power plant will be fully operational by mid-December this year. This is just before the winter peak demand. The new facility will enable Government to improve security of supply during peak demand periods when power cuts have previously occurred as a result of a lack of generating capacity.

915

The advent of the new temporary power station will also, importantly, permit for variations in the operating regimes of all three existing power stations in Gibraltar, resulting in an overall lowering of emissions. In particular nitrogen oxide (NOx) emissions are predicted to reduce by 40% immediately.

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The aim is also to reduce the operational running of the power stations in the South District and in the Waterport area, whenever demand allows during the silent hours, without the security of supply. This will immediately massively lower the emissions and reduce the noise levels in these areas during these periods.

The Government is also continuing to identify alternative ways of further reducing the emissions arising from the production of electricity in Gibraltar. To this effect, Government is already working with Energy International on the fitting of catalytic reduction technology (known as 'scrubbers') to these turbines. The fitting of such scrubbers will further reduce emissions by another 97%.

925

The Government's first priority, however, has been to secure the reliability of electrical supplies for the winter peak demand and to service the existing engines to improve their reliability and performance, which in turn further increases security of supply and reduces emissions.

930

Mr Speaker, I must state at this point that this does in no way suggest that we are, for one moment, not giving the long-term solution its due attention. We, the Government are all too aware of the fact that investing in a sustainable power solution for Gibraltar needs a long-term solution and we are working hard to ensure this is achieved as quickly as possible. Unfortunately, due to the seriousness of the situation, we had to provide an interim solution, something that was not being contemplated by the last administration.

The Government of Gibraltar also continues to engage with main players in the energy industry, exploring alternative technologies to determine a permanent solution to Gibraltar's electrical needs. This

solution must provide secure supply and reduce Gibraltar's carbon footprint. To this end, reduction of consumption, or at the very least reduction of the rate of increase in consumption, remains our aim.

As stated by the Chief Minister last week – and I quote:

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'The next step is to finalise our determination on the long term solution by the decision on what permanent power solution is to be chosen. Again environmental, noise and cost issues will be relevant alongside security of supply in the final determinations we have to make in this respect. At the same time, we are at a very advanced stage in the introduction of renewable energy sources from different types of technologies. These are the right decisions for our community and I am delighted to have led the Committee in its deliberations to date and going forward to the stage when we announce the permanent solution for power generation for the future.'

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I am of course quoting the Chief Minister, and I end the quote there.

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

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Might I suggest – I do not know how appropriate it is – that the Minister consider answering Question 951, which is in relation to alternative energies, perhaps, to deal with this whole matter together, if he feels it is appropriate. If he does not, then... It is just because, obviously, the conversation will take us naturally in that direction and it may well be – (*Interjections*) Well, there is obviously going to be a conversation on as important a matter as this.

950

**Hon. Dr. J E Cortes:** Mr Speaker, I am happy to answer the question put to me; that is your prerogative, not mine.

**Hon. S M Figueras:** Mr Speaker, I will just carry on and I will just ask the supplementaries in respect of this particular Question.

955

Does the Government consider...? In the first place, actually, I should say that, obviously I welcome the statement. It is a statement which the Opposition notes with some satisfaction, certainly, because a temporary solution is one that we are all very keen on... Well, the issue of power generation in Gibraltar is a very important one and the announcement of this temporary solution is, certainly in our view, a positive one.

960

In respect of the temporary power plant, the Minister has said that the agreement is for two years, with an option to extend to three. Is the Government satisfied that three years, at the long end of the agreement, will suffice for the delivery of a permanent solution for power generation for Gibraltar?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I lead the Inter-Ministerial Committee on power generation. This question has been prefaced to the Minister for the Environment, assuming that the main issue that the hon. Gentleman is concerned with, given his shadow portfolio, was the Environment, but I rise to answer this question, which deals with the detail of the agreement entered into.

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Mr Speaker, of course we consider that, in three years, we should be in a position to have a permanent solution, otherwise we would have done a temporary deal for longer.

**Hon. S M Figueras:** Mr Speaker, before I ask my next question, just to clarify that power generation and environment, frankly, go so hand in hand that it is a matter that I am dealing with. I do not see that there is any controversy in that whatsoever, Mr Speaker.

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Further, in the Government's answer to the Question, the Minister has referred to the new generators incorporating SoLoNox technology, which reduces emissions significantly. Is this technology, however, in the diesel-fuel context to which it will be applied, in the specific Gibraltar application, as effective in delivering those emissions savings as well?

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**Hon. Dr. J E Cortes:** I have no reason to think it is going to be any less efficient in Gibraltar than it would be anywhere else in the world. As I said in my answer, it is proven technology and we are satisfied that this is what will be delivered.

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**Hon. S M Figueras:** Mr Speaker, perhaps I will clarify for the Minister: I was referring to the SoLoNox technology being known to be very effective in reducing emissions in the context of gas powered turbines; obviously the Minister has made reference to the fact that these turbines will be powered by diesel. I am asking the question – he may or may not have the answer, but I am just keen to understand.

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**Hon. Dr. J E Cortes:** Mr Speaker, the details were given to us and the calculations and the figures given were based on diesel being the fuel.

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

995 Is the Government satisfied that the proposed location of the temporary power plant is appropriate in the context of existing infrastructure, which we are told is currently in that area?

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

1000 **Hon. S M Figueras:** Grateful, Mr Speaker.  
How many sets, perhaps the Minister can provide me, are being installed as part of the temporary power plant?

1005 **Hon. Chief Minister:** That matter has been fully set out in the press release, that dealt with the matter, Mr Speaker, that they are five.

**Hon. S M Figueras:** Mr Speaker, I reviewed the press release and I asked the Question in Parliament – obviously, a Question that was asked before the press release was issued and therefore a matter that I certainly feel should be discussed, or should be the subject of questions in this House, simply because our question preceded your release. (*Interjection*) Yes, it may be public, but it was made public after I asked the Question in this House. If the Chief Minister wants to take that issue...

**Mr Speaker:** Has it not been made public now, that it is five that we are talking about? (*Interjections*)

1015 **Hon. S M Figueras:** Yes, yes, yes. I am grateful. Yes indeed.

**Hon. Chief Minister:** [*Inaudible*] before the supplementary.

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

1020 **Mr Speaker:** Fine.

**Hon. S M Figueras:** In relation to the temporary power plant again, Mr Speaker, does the Government have a total amount of the cost of this project?

1025 **Hon. Chief Minister:** Mr Speaker, the total amount of the cost of the project has also, I think, been set out publicly, but if the hon. Gentleman wants me to repeat it, I am not going to simply rely on the fact that it is public. It is £4 million, over the period of the contract, from which the hon. Gentleman would be wise to deduct the cost of rental of the skid generators and the capital value of the generators bought – or the realisable value of the generators bought – which will mean that the difference between the temporary solution that *did not* work and the temporary solution that we hope – I hope, across the floor of the House – *will* work, is £200,000 in the period of the contract, in the two-year period, and that is without including the fact that these engines, or these turbines, are so much more efficient in the way that they burn fuel, that it is very likely, although an actual figure cannot yet be provided, that we will save well in excess of those £200,000 because of the fuel efficiency that these turbines will bring.

1035 **Hon. S M Figueras:** Mr Speaker, whilst I of course disagree with the premise that the solution brought in by the previous administration in the shape of the 12 skid generators failed to do the job it was designed to do, I am grateful for the answer in respect of the other aspect of the question.

1040 Is the Chief Minister able to provide this House with a net cost of this project for the community, bearing in mind what he has said in relation to the savings of the rental of those eight skid generators which were rented and the capital return on the four bought outright?

1045 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman cannot have it both ways. He cannot get up and say, ‘We’re very happy that you have done a temporary solution, because we are all very concerned about the security of supply’ and tell us that the temporary solution that they did was working, now in the preamble to his paragraph; but I will not dwell on that in trying to deal with what the hon. Gentleman has asked at the tail end of that intervention.

1050 The answer is very simple and it is again to refer to him exactly the figures I have given to him. The *net saving* – not the net cost, but the net *saving* – to this community, as a result of the temporary solution that we have now brought, cannot yet be calculated, because the fuel efficiency of these engines has not yet resulted in a calculation. In fact it could not, other than on hedged fuel prices as at today, because we have not yet started to see the efficiency in action and we would be working on somebody else’s figures and we have not yet done that calculation.

1055 But from what I am telling him, we should be able to work out that there could be here a net *saving* for our community, not a net cost.

**Hon. S M Figueras:** Mr Speaker, again I disagree entirely with premise the Chief Minister raises in the first part of his answer, that I cannot do both – that I cannot welcome this solution and also say that we had a solution that had worked at the time when it was brought to Gibraltar. I entirely disagree with that premise.

1060 The Chief Minister is now saying that that saving cannot be calculated; yet he has been perfectly happy to say that we are going to have savings and he mentions figures. I would be grateful if the Chief Minister... Well, the Chief Minister *has* indeed confirmed that he is satisfied that there will be a saving; the extent of that saving he cannot offer this House, and I acknowledge that.

1065 Moving on from this particular issue, have any consultants been taken on in respect of the planning of this temporary power plant? Can the Chief Minister provide further details as to how the arrangement with Energy International has come to pass, how they were identified and the process in the build-up to entering into the agreement with Energy International Inc?

1070 **Hon. Chief Minister:** The hon. Gentleman runs the risk of falling into ridicule. He cannot say in the premise to his supplementary a moment ago that he shared the concern about power generation and was therefore very happy to see that we had done a temporary solution and then tell us that the temporary solution that we inherited was working perfectly well. He can *say* it – of course he can – because we believe in freedom of speech, but he cannot be consistent in his understanding of the issue, if he does that.

1075 Mr Speaker, as to what I have said about potential net savings here, I have already given an answer and my answer is that reflected in *Hansard* and not the way that the hon. Gentleman has chosen to paraphrase it – in case that needs to be said.

1080 As to the other issues, as I understand it – and this is a matter, of course, being handled by the technicians in the Gibraltar Electricity Authority – there is no consultant engaged in respect of engaging these entities. The Electricity Authority has engaged with the number of entities around the world that do these type of solutions, which is not a great number, has brought to the Inter-Ministerial Committee all of the options and Inter-Ministerial Committee has worked with the technicians to choose which is the best option for Gibraltar.

1085 **Hon. P R Caruana:** Mr Speaker, if I could just ask the hon. Member, for speed and convenience, two supplementaries together, I am sure he will be able to disentangle them.

1090 The first is pursuant to his answer to the hon. and learned Mr Figueras, the concern that the Opposition has about power supplies is the same one as we had in Government and that is that there is a long-term threat to the continuability of power in Gibraltar, which in our judgement – and we think that they will come to the same conclusion, if they have not already done so, when they have finished reviewing the options or re-reviewing our options – which can only be resolved by building a new power station of some sort. Therefore, to that extent, both our temporary solution and their temporary solutions were both *interim*, to tide over until the concerns could be addressed – which could *only* be addressed by building a new power station. We can have a debate – I am not sure how –

1095 **Mr Speaker:** No, you cannot! You cannot have a debate.

1100 **Hon. P R Caruana:** We could have a debate at some different time! I could invite the hon. Member for coffee downstairs. I will not suggest we should have it now here, but I could invite him to coffee downstairs and we could there and then have a debate about whether this or that tiding-over solution is the best.

1105 But will the hon. Member firstly share with me the view that, whatever we debate about interim solutions, the *real* concern is the long-term replacement of the electricity generation supply capacity, in one way or another, in one place or another, by one project or another? We had ours; they are reviewing it and others and will come up with their own conclusions.

1110 The other question that I would ask him is this: is he aware that the reason why we bought two of those little machines was that it was part of Gibraltar's accumulation of civil contingency planning resources? In other words, it was thought appropriate that we should have two small and easily transportable generators that could be put anywhere in Gibraltar, that might be temporarily cut off from supply by a landslide, or a rock fall, or a fire, or anything like that.

1115 So when he speaks of the realisable value and netting the realisable value, as he did in answer to my friend, my colleague, Mr Figueras, about... to work out the net cost, it was not the intention that those two purchased units would be dispensed with, once the transitional need for temporary power was over, but rather that they would be retained as physically deployable around Gibraltar, generating capacity when bits of Gibraltar by some, unenvisageable now, civil contingency might be disconnected from the traditional source of supply.

**Hon. Chief Minister:** Mr Speaker, let me deal with both of those issues.

1120 We have had an exchange across the floor of the House – let us not call it a debate – before, on these issues, and he knows that we agree, Mr Speaker, that the finalisation of a permanent solution in respect of power is one of the most important issues facing our community. I have said it on a number of occasions.

Indeed, Mr Speaker, he will recall that I referred him to the 1999 Manx Report, which I know he had commissioned, which talked about Waterport Power Station and the Gibraltar electricity generation infrastructure generally being seriously doubtful after 2003.

1125 So of course we understand those concerns and as I said before, the review that we are doing, relates both to technology, geography, fuel, emissions and costs of what the new facility should be. We are confident, Mr Speaker, that we will come up with a solution that I hope will be welcomed by Members on both sides of the House, if we are able to deliver on all of those in a more satisfactory manner than the previous proposed permanent solution might do.

1130 Mr Speaker, I hope that, if we do, Members will say, ‘Look, fair enough, you have found a better solution.’ It may be a better solution that was not findable then – technology is changing in these respects in many ways – at the time they entered into the arrangements which they sought to make permanent.

1135 In respect of what he calls ‘the little machines’, my concern about those little machines at the moment is that (a) they are not designed to run 24 hours a day, (b) that they run only for one megawatt, if they were to run to full capacity – and nothing in electricity generation, as he will have learnt in his time and I have now learnt, runs at full capacity, but closer to 80% or 90% capacity – and that where these skids, as they are known, are presently located means that they are not as easily redeployable as they should be for emergency purposes. We are looking, Mr Speaker, at other options for easier-to-deploy generating capacity around Gibraltar.

1140 Some of these skids are in the northern part of Gibraltar in the area of Waterport. I think some of them are also at the New Harbours area – at the entrance to New Harbours – but I am advised, not so easily redeployable as might first have been thought. So we are also looking at how to better deal with those civil contingency issues which – the hon. Gentleman is right – these skids were also designed to deal with and in fact which he referred to in this House, when he explained what the two that were being bought for were essentially being bought for.

1145 Mr Speaker, I hope that deals with the issues that he has raised.

**Mr Speaker:** The hon. Lady was going to ask a supplementary.

1150 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the £4 million include recruitment of staff to man the station, the cost of the diesel to power the temporary station and the maintenance of these generators?

**Hon. Chief Minister:** Mr Speaker, I have already said on a number of occasions, when I got on my feet this morning, it does *not* include fuel. I do not know why the hon. Lady has not picked that up.

1155 Secondly, this is an operation and management contract so it is a contract price that includes operation and management, meaning that we will not have to be involved in paying any individuals, or finding individuals to run the station. It is literally a contract where we buy electricity from the operator.

1160 **Hon. S M Figueras:** Mr Speaker, I will ask the Chief Minister to forgive me, if he did answer this, but I am not certain I picked up whether there was a tender process, or equivalent to it in terms of the assessment of the options, of the cost of the various options that he did refer to, that he did say the Inter-Ministerial Committee had considered.

1165 **Hon. Chief Minister:** Mr Speaker, in the sense that I explained to him that there are very few operators in the world that do this business and the GEA went directly to those that they considered to be reputable, received some others and considered all of them and presented the Inter-Ministerial Committee with the options as to price and emissions, which are the two things that were most important to the Committee, as well as the reliability of the technology being provided. The GEA – the Chairman of the GEA and the Government’s Chief Technical Officer as well, with the Financial Secretary – made recommendations to the Government, to the Inter-Ministerial Committee and those are the recommendations that have been accepted.

1170 **Hon. S M Figueras:** I am grateful for that answer, Mr Speaker.

1175 I wonder if perhaps, the Chief Minister will be able to provide us with some details of how the Government is planning to finance this particular project?

**Hon. Chief Minister:** Mr Speaker, the financing of a £4 million commitment over two years is not something that causes the Government of Gibraltar any serious concern that requires us to go out to seek funding from third parties. Commercial entities do not have to lend to the Government of Gibraltar for it to be able to afford £4 million over two years.

1180 **Hon. S M Figueras:** I am grateful, Mr Speaker, I just wanted to be sure that we can in fact afford that kind of activity, on the basis of their Election slogan in 2011.

1185 However, I will carry on, Mr Speaker, with another supplementary in relation to the building of the permanent power station. I note that the Chief Minister and my hon. and learned Leader of the Opposition have had a discussion about this. Has there been any progress in the determination of the location of the permanent power station, at this stage?

1190 **Hon. Chief Minister:** Mr Speaker, our Election slogan at the last Election was 'Change'. I did not mean loose change; I meant change of the characters that were in administration and the party that was in administration. I specifically said, during the General Election campaign... although the hon. Gentleman likes to ignore it in all of the material that he puts out, that we were somehow alleging that Gibraltar was bankrupt. I have to remind him that the only person who has ever alleged that Gibraltar was bankrupt, was the now Leader of the Opposition, during the course of the 1996 General Election campaign.

1195 I have specifically said, even when complaining about the levels of net debt and gross debt that Gibraltar was finding itself in, which was the issue that we discussed during the General Election campaign, that Gibraltar was not bankrupt. So if he wants to be honest with the electorate, he should reconsider making statements such as that, which – if he did not already know were untrue, he should have known were untrue, he will after today, no doubt, remember after I have told him – are untrue, because I never said that Gibraltar was bankrupt.

1200 What I said, Mr Speaker, was that we had too much debt and that we were wasting money and what will not happen under this administration is that we will overspend on projects like an airport terminal by £60 million. We will not spend, Mr Speaker, £10 million making a hole in the ground where the Theatre Royal was. Those are the things that mean that when we need money to do things which are necessary, like pay for a temporary generating facility like this one, over a period of two years, Gibraltar has the money to pay for it.

1205 Mr Speaker, as to geography, the hon. Gentleman will know more when we make an announcement on the permanent solution.

**Clerk:** Question –

1210 **Hon. S M Figueras:** Mr Speaker, I have further supplementaries on the power station.

**Mr Speaker:** Yes, go on. Make sure that they are relevant.

1215 **Hon. S M Figueras:** Yes, indeed, absolutely, Mr Speaker. I will endeavour to do so and obviously I have seen the famous podcast. I also paid –

**Mr Speaker:** I am making that point because I am not prepared to allow a debate on the Government's debt situation. Okay.

1220 **Hon. S M Figueras:** I accept that, Mr Speaker and I will be happy to move on.  
Is the Government able to offer its view of the anticipated cost to the community of the permanent power station?

1225 **Hon. Chief Minister:** No, Mr Speaker.

1230 **Hon. S M Figueras:** Mr Speaker, the Government said in its press statement to which I am making reference – because I am not certain that the Hon. the Minister for the Environment referred to that specific point when delivering the answer to the Question – Government explained that they were speaking to the unions in order to ensure that current operatives in the current facilities would not be victims of these developments in the new power station.

Is the Chief Minister – or the Minister, indeed – able to provide more details as to how they are working on this and how they are seeking to avoid this from happening?

1235 **Hon. Chief Minister:** Mr Speaker, we are in contact with the union on these matters. It would be inappropriate for me to give more information at this stage.

**Hon. S M Figueras:** And finally, Mr Speaker, can the Chief Minister confirm that the permanent power station will be delivered within this term of office?

1240 **Hon. Chief Minister:** Mr Speaker, that is certainly our intention, and I trust that, if the permanent solution that my Government proposes to the people of Gibraltar provides for the same or more

megawatts than was planned under the previous administration, at less cost and for less emissions, they will applaud our choice.

1245 **Mr Speaker:** Next question.

**Hon. Mrs I M Ellul-Hammond:** One final supplementary, Mr Speaker.

1250 **Mr Speaker:** Yes, this is the last supplementary on this subject.

**Hon. Mrs I M Ellul-Hammond:** Yes. Can the Government confirm that the utility bills will still remain frozen throughout this term of office?

1255 **Hon. Chief Minister:** I am tired of telling them, but delighted to repeat, the Government is committed to all the matters that it committed itself to in the General Election campaign with the general population, including those – although I do note, having been elected, that the solution that was proposed by the Members opposite had they returned would have included, I believe – correct me if I am wrong – in the order of a 5% increase per year for the next 20 years, which even the hon. Members opposite will be able to calculate would have included a 100% net increase in the cost of electricity to the consumer.

1260 **The Speaker:** Next question.

1265 **Commonwealth Park**  
**Expected completion date**

**Clerk:** Question 944, the Hon. S M Figueras.

1270 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment tell this House when the Government expects the Commonwealth Park to be completed?

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

1275 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Question 945/2012.

1280 **Commonwealth Park**  
**Award of works contract**

**Clerk:** Question 945.

1285 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say, in light of the extension of works on the Commonwealth Park to the rest of the Commonwealth Parade, whether the contract for the works has now been awarded?

1290 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, excavations have continued on the southern half of the Commonwealth Parade car park site as part of the work being dealt with by GJBS. No award has yet been made on the other works for the project.

1295 A definitive project completion date cannot be provided at this stage, but the aim is to plant the mature trees in autumn 2013, as this would be the right time of year to do so.

If I may explain, Mr Speaker, the trees have to be planted in the autumn and therefore there would be certain disturbance to the ground, so the laying of lawns and so on would have to follow that, so that the completion should be perhaps several months after that.

1300 **Hon. S M Figueras:** I am grateful for the reply by the Hon. Minister.

I suspect I know the answer to this question, but I am going to ask it anyway, because I think it is relevant in the context of the answer that he has given us.



1305 **Mr Speaker:** It is always advisable to know the answer to supplementaries! (*Laughter and interjections*)

1310 **Hon. S M Figueras:** Can the Minister advise this House of the Government's estimated cost of the Commonwealth Park at its completion, so that we may be better able to assess when that comes to pass, whether in fact this project was delivered under budget?

**Hon. Dr. J E Cortes:** Mr Speaker, I suspect the hon. Member will realise that he *did* know the answer, because I am not able to provide that information.

1315 **Clerk:** Question –

1320 **Hon. S M Figueras:** Sorry, one more question, Mr Speaker – and perhaps by asking this question, I am going to limit myself in future sessions of this Parliament, and I do not do it lightly – is the Minister happy that at any point...? Thank you. Will the Minister, at any point before the completion of the Commonwealth Park, be happy to provide for this House details of their anticipated cost of that project?

**Hon. Dr. J E Cortes:** Mr Speaker, when I have that information available, I will certainly be happy to provide it. I do not have it as yet.

1325 **Mr Speaker:** But is the Hon. Minister clear what the question is – *before completion of the project*? At some stage, before completion of the project.

**Hon. Dr. J E Cortes:** Precisely. If I had that information available, but it is clear that with any project, before completion, there can always be things that happen which do affect the actual final costs.

1330 I could, if we had an actual accurate enough estimate before completion of the project, that is something I will be happy to share, but it is speculation because we do not know where we are with that.

**Hon. S M Figueras:** And will the Minister ever be able to share with this House and the public what their estimate for the building of the park was?

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, *every* meeting of this House, since the Election, the hon. Members opposite... the hon. Member in particular has wanted to get from us what it was that we as Opposition – well, even then, not Opposition Members; as *candidates* – attributed as costs to each project in our manifesto in the offices of the GSLP.

1340 Look, Mr Speaker, he and I can go downstairs and have a coffee and talk about many things. When we do we usually have a right riot of a laugh, because we have known each other for many years and enjoy our company a lot. But what we are not going to do, Mr Speaker, in this House is break the tradition of parliaments around the world and become answerable for things that were not our responsibility as Ministers. Here we answer questions for our Ministerial responsibilities – not for what we thought before the people of Gibraltar saw fit to elevate us to office.

1345 **Mr Speaker:** That is the correct constitutional position, as I understand it.

1350 **Hon. D A Feetham:** Yes, but does the Chief Minister not accept, Mr Speaker, that of course that is true that you are not responsible in this House for something that you may have said before you entered into Government; but of course, once you became the Government of Gibraltar, does he not accept that any prudent Government, deciding whether to embark on a project that had been, according to them, costed before they entered into Government... does he not accept that it would have been prudent for you to obviously conduct the necessary enquiries as to how much this project would cost you as a Government? Did he do so and what is the cost?

1355 **Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman has taken leave of his political senses. How is it that he gets up to ask me that question, when he sits with a Government which is responsible for perhaps the grossest overspend in history – ?

1360 **Mr Speaker:** No, with respect, I am now drawing this matter to a close. Next question.

1365

**Car parking spaces  
Provision**

1370 **Clerk:** Question 946, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment confirm when double the number of car parking spaces which were available at Commonwealth Parade will be made available to residents of Gibraltar?

1375 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, this will be provided during this term of office.

1380

**Procedural  
Ruling by the Speaker**

1385 **Mr Speaker:** Before the next question is called, may I make clear to hon. Members that I am perfectly happy to sit for any length of time that is required for the House to debate any motion on the subject that we were dealing with a moment ago. That is the correct procedure. I invite Members to do that if they want to, but I repeat what I have said previously.

1390 Under the guise of Question and Answer, I am not going to allow a general debate, on what was said in a manifesto or what was not said, to allow a general debate in this House on such issues. If they want to have such a debate, a motion can be tabled and I will sit here until doomsday for that motion to be debated.

1395 **Hon. P R Caruana:** Mr Speaker I am grateful for that which is clearly a statement and an obvious one of the position. That is not the aside comment that the Speaker may have heard that prompted him to make that remark, which was this. My learned colleague, Mr Feetham, asked a supplementary which Mr Speaker obviously did not consider to be inappropriate, because he allowed the Hon. the Chief Minister to get up to answer it. Mr Speaker, therefore, then clearly did not like something that the Chief... or a direction in which the Chief Minister was going and called the Chief Minister to stop, the effect of which was that the supplementary which the Speaker had allowed was not answered.

1400 Instead of saying to the Chief Minister that is not the question that you were asked.

**Mr Speaker:** With respect to the Leader of the Opposition, he must know that I am prepared to be reasonably liberal, but when matters begin to degenerate, I will put a stop to the situation.

1405 I allowed a supplementary. (**Hon. P R Caruana:** Yes.) It was answered –

**Hon. P R Caruana:** No, it was not.

1410 **Mr Speaker:** I am not going to allow another supplementary, another answer and then a debate.

1415 **Hon. P R Caruana:** No, Mr Speaker, it is not the most important issue in the world, but a supplementary was asked on a question that had *not* been asked before – namely, regardless of what the position is in terms of responsibility of pre-election position, once you become a Government, is it not reasonable to expect – or words to that effect – that the Government will then have an estimate of the cost of its projects? That was the thrust, if not the wording of the supplementary, a perfectly proper one, since Mr Speaker allowed it. Instead of answering that question, the Hon. Chief Minister went off at a tangent, which the Hon. Speaker, in my humble estimation, rightly stopped – but in stopping him, he in effect prevented the question that he had allowed from being answered. That has got nothing to do with debates.

1420 **Mr Speaker:** The Hon. the Chief Minister said that over a long period of time, no doubt since the last Election and I was not here, this is a matter that has been continually coming up. It was the first time that it has come up, during my time as Speaker. It did not come up at the last meeting. It has come up now. That is why I allowed it.

1425 But if I had been sitting here since January 2012, I would not have allowed any supplementary on that issue, because I would have felt that it had been more than amply vented, and I would have made my position clear beforehand.

I am making it now and that is the end of the matter, with all due respect. We will now proceed to the next question.

1430 **Hon. S M Figueras:** Mr Speaker, I had another supplementary on another line – (*Interjections*)

**Clerk:** Question 947 the Hon. S M Figueras.

1435 **Mr Speaker:** No, you can ask a supplementary certainly, yes. Please do. I am not going to...

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

Mr Speaker, in relation to the question of the car parking spaces, is the Minister able to provide the number of car park spaces that have already been provided. Does he have that information with him at this time?

1440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have a recollection of the number, so if the hon. Gentleman will not hold me to it, I will tell him that it is already 20 more than there were at Commonwealth Parade. Twenty more, from memory – it may be 23, but about 20 more.

1445 **Hon. S M Figueras:** I am grateful.

Just one final supplementary: the Ragged Staff Gates car park – which, I have been observing over the last few weeks, is nearing completion – can the Government confirm that this is part of that provision?

1450 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman asked another question about Ragged Staff car park last time and he was given an answer, because Ragged Staff car park as far as we know –

**Hon. S M Figueras:** If he will give way, I will explain.

1455 **Hon. Chief Minister:** Let me just tell him how we answered the question and how I would answer his question now. The car park where what we all know as *El Patio Chico* used to be and that is not included in the calculation and was not up for redevelopment.

1460 **Hon. S M Figueras:** So, just to clarify, I have perhaps unhelpfully referred to the parking I am thinking of as the Ragged Staff car park. There is a new car parking facility nearing completion, from what I can observe, past the Ragged Staff roundabout on the Queensway in the direction of the New Harbours area. Can the Minister confirm whether that is a Government initiative or entirely unrelated to Government activity?

1465 **Hon. Chief Minister:** Mr Speaker, right now I get it. Well, Mr Speaker, that is actually called the Gun Wharf car park. It was a car park which was started during their term in office and it is part of the re-provisioning for the MOD at Rooke and other areas. So, Mr Speaker, that car park when completed will be handed over to the Ministry of Defence, who will then have this parking area closer to the Tower, which will be their presence in town, so to speak, after they give up Rooke.

1470 **Hon. S M Figueras:** I am grateful for the answer, Mr Speaker.

1475 **Hon. Chief Minister:** And if I may say so, just to answer the reason for his supplementary, as he expressed it, before we got mixed up with names, that is not included therefore in the count.

#### **Barbary Macaque Management Plan Completion and implementation**

1480 **Clerk:** Question 947 the Hon. S M Figueras.

1485 **Hon. S M Figueras:** Can the Minister for the Environment confirm, further to his indication in the October session of Parliament of the imminence of its completion, that the Barbary Macaque Management Plan is now in place and provide a date by when he expects its implementation will begin?

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

1490 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the plan is not yet in place. However, aspects of it are already being implemented, such as contraceptive implants in females, procurement of trapping devices to improve management, clearing of vegetation on the Upper Rock to provide greater foraging habitat.

It is likely that for the next few months, aspects of the Plan will be introduced in stages.

1495 **Hon. S M Figueras:** I am grateful to the Minister for his reply.

Can the Minister confirm whether or not it is the plan to publish this Plan any time soon? I note that the Hon. Minister is saying that parts of it are being implemented. I do not understand why it is not at a sufficiently complete stage that they can publish it, but could the Minister perhaps shed some light on why it is not yet public in its revised form?

1500

**Hon. Dr. J E Cortes:** Mr Speaker, it is not yet finally completed. It is going through a process which includes consultation with experts outside Gibraltar and which include involvement by experts and universities outside Gibraltar and those arrangements have not yet been agreed. Therefore, it would be premature to publish it.

1505

I have every intention of publishing the Plan once it is ready, but because these things take time which are outside my control, certain aspects of it, as I said, have already been started in order not to delay things. For example, the implanting of contraceptives in females had to be done now, because this is the mating season. That could not have awaited the completion of the Plan. Also, the opening up of habitat within the Upper Rock to increase the foraging areas on the Upper Rock also was something that did not need to be delayed and therefore the aspects that could have been implemented have been implemented; but the Plan has yet to be finalised.

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**Hon. S M Figueras:** Can the Minister say how soon... and I will understand if he finds difficulty with the answer. Can he say whether he has a view of how soon this Plan as implemented, whether published or not, will start to have an effect or a reductive effect on the unwanted interaction with these apes? I can just say to this House that my personal observations are that apes are all over the Portland House area, in the Trafalgar Cemetery area now as well, and just yesterday, there was an ape bite incident reported of a passenger from a cruise ship. It is something that is obviously extremely important and certainly extremely urgent, because it can cause not just the physical harm that an ape bite incident might cause to the person who suffers it, but a reputational damage to Gibraltar as well.

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So I would be grateful to understand from the Minister what his view about how soon the success of the plan will be able to be able to be measured in real terms on the ground.

1525 **Hon. Dr. J E Cortes:** Mr Speaker, I clearly share those concerns and this has been a situation that has been ongoing for decades – *at least* decades. There are reports in the 1800s of similar instances.

Some of the effects will be seen clearly if we are implanting contraceptives in females: next breeding season there will be that number of decreased births. The strategy of clearing undergrowth on the Upper Rock to allow the monkeys to have foraging habitat – because now it is so dense that they have very little foraging habitat – will be an ongoing process which will increase. There are other aspects that also have to be implemented.

1530

As to how soon we will see a direct effect, nature is very hard to predict, so I would not like to hazard a guess, but I am confident that certainly, we will see things happening in the coming months.

1535 **Hon. S M Figueras:** Can the Minister say whether he has been in touch or in discussion before with Police authorities in respect of the enforcement of the provisions that make feeding apes illegal?

**Hon. Dr. J E Cortes:** Yes, Mr Speaker, in fact my diary has a meeting, I believe, next week with the Police and other interested parties, with a view to discussing how we can enforce the law.

1540 **Hon. S M Figueras:** Mr Speaker, I am not going to venture down the road that will make them think that, whatever they say, they will be damned if they do, damned if they do not, in respect of the enforcement of it, but it is obviously a provision, the application of which one would expect would have a significant impact on the management of apes generally.

1545 Will the Minister confirm that he will be happy to report on the findings of that or the discussions in that meeting in subsequent sessions or privately with myself?

**Hon. Dr. J E Cortes:** Privately, certainly. I think discussing a Police Enforcement Plan publicly, depending on what that is decided to be, might not be a wise move. I think we have to see how this discussion develops. I am not going to commit myself.

1550

**Barbary macaques  
Exportation**

1555 **Clerk:** Question 948, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment confirm whether or not there has been any progress with the exportation of Barbary macaques from Gibraltar?

1560 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, no, sir.

1565 **Hon. S M Figueras:** Mr Speaker, does the Hon. Minister expect that there will be any kind of progress in this context in the short to medium term? Is this in fact an initiative which he considers worth exploring? Does he consider that this is an initiative worth exploring further?

1570 **Hon. Dr. J E Cortes:** Mr Speaker, I am confident that there will be much more progress than there has been over the last 16 years. This is an issue which is complex, but I am convinced that the contacts that we have will deliver a destination for these monkeys within this term.

1575 **Hon. S M Figueras:** It appears that the Hon. the Chief Minister is unable to get out of his electioneering mode because obviously I disagree with the premise that there was no progress in this matter over 16 years. It is an important matter of interest to the community today and I am seeking to move forward.

In that context, Mr Speaker, do we have the Hon. Minister's assurance that this is a matter, along with other initiatives relating to the management of the Barbary macaques, that he will be pursuing as a matter of priority?

1580 **Hon. Dr. J E Cortes:** Mr Speaker, first of all, I must say that the progress that there was over the past 16 years was progress thanks to the work of yours truly, who was involved in the only successful exportations, (*Laughter and interjections*) but that is something for the past. Certainly, the Government gives great importance to obtaining successful exportation of the Barbary macaques.

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**Barbary macaque population  
Details**

1590 **Clerk:** Question 949, the Hon. S M Figueras.

**Mr Speaker:** Has the hon. Member realised – perhaps we should have realised here – that in the Question, there is a reference to Question 207/2012 and that, in fact, is incorrect.

1595 **Hon. S M Figueras:** It is 507, I seem to recall it as 507/2012.

**Mr Speaker:** Question 207 was a question from the Hon. Mr Feetham, on the superannuation scheme.

1600 **Hon. S M Figueras:** Yes the number strikes me as odd.

**Mr Speaker:** The number is wrong.

1605 **Hon. S M Figueras:** Yes in my recollection is that it was 507 when I was drafting it, so unless it was a typo which was not identified.

**Mr Speaker:** Anyway, just to make the point.

1610 **Hon. S M Figueras:** Yes, yes of course. I am certain it was 507, and I am happy to ask the question in that context. I am happy to concede that there was a typo certainly.

I will ask the question anyway just in case the Minister has in fact spotted that it was not that question and that it was a question further to the discussion of the population.

So can the Minister for the Environment provide details to this House of the population of Barbary macaques in Gibraltar, further to Question *not* 207/2012 – the question relating to the population asked earlier this month?

1615 **Mr Speaker:** If he feels uncomfortable answering the Question, then he can just say so, and I will ask it again next month.

**Mr Speaker:** Let us hear the main answer.

1620 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Question 207 was in relation to the Guaranteed Superannuation Fund and it was asked by the Hon. Mr Feetham.

1625 **Mr Speaker:** Now, does that mean that the Hon. Minister does not have the information about the population of Barbary macaques?

1630 **Hon. Dr. J E Cortes:** Mr Speaker, I have had to assume what information he wants, but if he wants to be more specific, then perhaps he can ask it on another occasion.

**Hon. S M Figueras:** Mr Speaker, I think the information I am looking for is rather obvious, although I will concede that the typo has made the Question wrong in content, certainly. But it is an update to the number of apes, as far as the Government is concerned.

1635 **Hon. Dr. J E Cortes:** Mr Speaker, in order to be helpful and to assist, the official tally of the number of monkeys is actually tallied on 1st January, where we summarise all deaths and all births and that is when we officially change the figure.

1640 Clearly, if he asks it again either in December, when we will be closer, or in January, then I can provide that information. From memory, in order to be helpful, I believe there have been about 40 births and probably of those, maybe half a dozen died young and there have been a number of road traffic accidents. That is a general figure, but I will be happy to provide the accurate figures at the next meeting, if he asks the question again.

1645 **Hon. S M Figueras:** I am grateful to the Minister for his helpfulness.

#### Feral cat population on Upper Rock Policy re culling

1650 **Clerk:** Question 950, the Hon. S M Figueras.

1655 **Hon. S M Figueras:** Can the Minister for the Environment say whether it is extending its policy decision against culling of wide life to the feral cat population on the Upper Rock?

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

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** No, sir.

1660 **Mr Speaker:** Next question.

**Hon. D A Feetham:** May I?

1665 **Mr Speaker:** Yes certainly.

**Hon. D A Feetham:** Yes, well, Mr Speaker, can the Hon. Minister then inform this House how he intends to protect the iconic species of the Barbary partridge, which he conceded earlier on this year has been decimated by feral cats?

1670 **Hon. Dr. J E Cortes:** Mr Speaker, I am not certain whether the hon. Member understood my answer. My answer was that the Government is not extending its position to culling of wildlife to the feral cat population.

1675 **Hon. D A Feetham:** Oh, I beg your pardon. So it is culling.

**Alternative/clean energy production  
Exploring solutions**

1680 **Clerk:** Question 951, the Hon. S M Figueras.

1685 **Hon. S M Figueras:** Can the Minister for the Environment say whether the Government is currently exploring any large scale alternative/clean energy production solutions for Gibraltar?

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

1690 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government is currently exploring a number of potential projects for different renewable sources. For reasons of commercial sensitivity, details cannot be at this point revealed.

However... Sorry I have skipped because a line has been repeated.

However, they include solar thermal, solar photovoltaic, marine ocean currents and energy from waste.

1695 **Hon. S M Figueras:** Mr Speaker, can the Minister provide some information as to whether these projects that they are pursuing are large or small scale generation projects?

1700 **Hon. Dr. J E Cortes:** Mr Speaker, some of them are pretty new technology, so we are looking at relatively small scale initially, but if successful, they could deliver potentially a great deal more energy. I think that is about as much as I can say at this point in time.

We are talking about a potential of some of the projects could deliver perhaps 10 to 15 megawatts eventually, but I will not be held to that, because some of them are fairly new technology.

1705 **Hon. S M Figueras:** Mr Speaker, perhaps it might assist the Hon. Minister if I say that, when I refer to 'large scale', I am referring to projects that the Government or other entities invest in the development of to deliver power to the grid for use by the community; and by 'small scale', I am referring, in my mind, to Government initiatives that allow home owners themselves to generate alternative energy from alternative sources.

1710 Allied to that issue, there would be an additional question, which I was going to ask him in the discussion of the power station, and that is whether the permanent power solution will bring with it an enhanced power grid that can take plugging in for solutions such as feed-in tariffs, despite the debate on how useful those are, and whether such solutions will indeed be available on a small scale?

1715 **Hon. Dr. J E Cortes:** Mr Speaker, that is quite a complex question. The answer then is correct, in the sense that my interpretation of 'large scale' was the hon. Member's former interpretation, which means that they will be plugging in to the distribution system.

Micro-generation will also be encouraged in other ways, but that is not the thrust of my answer nor, from his explanation, the thrust of the question.

1720 Regarding the robustness of the grid, that is a fairly technical question, Mr Speaker. Having a new power station in itself would not provide that robustness and that is something that, as I say, is more of a technical question. I would need notice and possibly it would be the Hon. Minister for Utilities who would answer that, if it is asked again.

1725 **Hon. S M Figueras:** I will be happy to ask that question, and since I also shadow Utilities, then certainly there will be no issue there. I will look forward to asking that question in January.

The Hon. Minister makes no reference to wind as a source of alternative energy. Is he able to provide any indication as to why this is the case?

1730 **Hon. Dr. J E Cortes:** Mr Speaker, at the moment, none of the renewable sources that I can recall at this point in time include wind. One of them was going to, but then they changed the technology, so at the moment, we are not looking at wind.

1735 **Hon. S M Figueras:** Is wind turbine technology something the Government would be happy to consider as an option, if proposed by a commercial entity?

**Hon. Dr. J E Cortes:** Mr Speaker, in the right location, certainly.

1740 **Hon. S M Figueras:** Are there any locations that the Minister would discount as appropriate locations for the erection of certain wind turbines for the production of that energy?

**Hon. Dr. J E Cortes:** Mr Speaker, I am not an expert in wind turbine technology, so I cannot answer that question.

1745 **Hon. S M Figueras:** Yes, Mr Speaker, but you are an expert in respect of migrating sea birds and I suppose you *could* arguably be said to have an opinion on whether there is any particular location in Gibraltar that would cause difficulty in that context.

1750 **Hon. Dr. J E Cortes:** Mr Speaker, that is partly hypothetical and partly straying from the original question. Therefore, I do not feel I have to answer it.

**Hon. S M Figueras:** I will be happy to pose a question on this...

1755

**Thinking Green Conference  
Tickets, sponsorship, transport and business generated**

**Clerk:** Question 952, the Hon. S M Figueras.

1760

**Hon. S M Figueras:** Can the Minister for the Environment tell this House how many tickets were sold for the Thinking Green Conference, broken down by tickets, class and not including tickets allocated to sponsors as part of the sponsorship arrangements, nor the seats allocated to pupils from schools who attended free of charge, as well as tickets issued by Government to employees in the Civil Service and other community representatives?

1765

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

1770 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Questions 953 to 959.

**Clerk:** Question 953.

1775 **Hon. S M Figueras:** Will the Minister for the Environment now provide this House with details of the extent of the sponsorship of the Thinking Green Conference by the Nature Group and Hassans?

**Clerk:** Question 954.

1780 **Hon. S M Figueras:** Can the Minister for the Environment provide a full account to this House of the expenses incurred by the Government in the hosting of the Thinking Green Conference in October?

**Clerk:** Question 955.

1785 **Hon. S M Figueras:** Can the Minister for the Environment provide details of those companies which have expressed an interest in establishing or investing in Gibraltar as a direct result of the Thinking Green Conference held in October this year?

**Clerk:** Question 956.

1790 **Hon. S M Figueras:** Can the Minister for the Environment confirm the cost of the Gibraltar-registered Toyota Priuses – although there is some controversy about how you say the plural of that word – for the purposes of ferrying dignitaries and guests from and to Gibraltar Airport and the Tercentenary Hall and St Michael's Cave on the occasion of the Thinking Green Conference and Gala Dinner?

1795 **Clerk:** Question 957.



**Hon. S M Figueras:** Would the Minister for the Environment please provide details to this House of the deployment of the Gibraltar-registered Toyota Priuses first seen on the occasion of the Thinking Green Conference within the Government's fleet and in what capacity they will be deployed?

1800 **Clerk:** Question 958.

**Hon. S M Figueras:** Can the Minister for the Environment confirm the tender process through which the Gibraltar-registered Toyota Priuses, first seen in Gibraltar, were acquired and when the acquisition occurred?

1805 **Clerk:** Question 959.

**Hon. S M Figueras:** Can the Minister for the Environment explain why the Gibraltar-registered Toyota Priuses seen on the occasion of the Thinking Green Conference were emblazoned with the logo of an Algeciras-registered Toyota dealership, namely Automoción Tomax, despite being registered on Gibraltar number plates?

1810

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

1815 **Hon. Dr. J E Cortes:** Mr Speaker, the information on the tickets requested by the hon. Member is contained in a schedule which I will hand over to him now.

I will refer to other schedules, so I will hand them altogether, if that is alright, Mr Speaker. So I will now hand him that, when I have finished my answer, as there are other schedules as well.

1820 **Mr Speaker:** That is in respect of Question 952?.

**Hon. Dr. J E Cortes:** Question 952 I have a schedule, and I have another schedule for the later Questions, and I would like to hand them altogether, so that the question can be taken together, if that is alright.

1825

**Mr Speaker:** Okay.

**Hon. Dr. J E Cortes:** In relation to Question 953, sponsors contributed a total of £100,000 towards the event. The sponsors' relationship with the event extended to its financial support as well as agreement with the philosophies behind the subjects that were raised at the Conference – that is, the impact of climate change, the importance of an environmentally sustainable economy and the changing habits towards sustainable living. Once this successful event closed, there were no further links or commitments from any of the parties in this context.

1830

1835 Other sponsors supported by not charging for their services, although preferring to remain anonymous.

In relation to Question 954, the processing of outstanding invoices is still being finalised, so a full account of expenses cannot be provided. It is anticipated that the final accounts will be available as from the first week of December, but I will now be handing over to the hon. Member a schedule of the projection of the total cost.

1840

In answer to Question 955, in relation to companies wishing to set up, invest or extend the kind of activity of services delivered in Gibraltar as a result of the Conference, I cannot disclose these details for commercial reasons. What I can say is that interest has been created from companies local and from abroad from a variety of business sectors. I have a list of 28 companies, ranging from ones already in Gibraltar to those interested in trading here.

1845

In relation to Question 956, Mr Speaker, I can confirm the following costs paid to Bassadone Motors: (a) hire of three Toyota Priuses, £1,125; (b) fuel costs, £28.33; a total of £1,153.33. There were no other costs directly related to this.

To Question 957, the Toyota Priuses in question were rented for the Thinking Green event and will not be deployed for other events.

1850

Question 958, quotes were sought from various local car dealers, namely Mercedes and Toyota, for the renting of hybrid cars for the Thinking Green event. The only car dealer which responded was Toyota.

The final Question, the reason why the Toyota Priuses were emblazoned with an Algeciras-registered Toyota dealership is because these cars were not available locally and had to be rented out for the occasion. They were registered with Gibraltar number plates.

1855

I now hand over the schedules to the hon. Member in relation to those two Questions.

**ANSWER TO QUESTION 959**

**Answer to Question 952**

The Ticket sales are as follows:

Ticket Class	Sales
Block A	14
Block B	17
Block C	5
Block D	33
Block E	123
Total ticket sales	192

**ANSWER TO QUESTION 959**

**Answer to Question 954 of 2012**

<b>Expenditure</b>	<b>Legal / Contractual</b>	
	Chrand Contractual payment	£166,351.38
	Legal Services	£1,755.00
	<b>Staff Matters</b>	
	Staffing - Overtime	£6,663.84
	<b>Thinking Green Conference/ Trade Fair</b>	
	Conference Costs	£14,456.30
	<b>Gala Dinner (St. Michael's Cave)</b>	
	Gala Dinner Costs	£6,700.00
	<b>PR &amp; Logistics</b>	
	Marketing	£4,191.59
	Transportation	£1,953.33
	Electrical Supply	£5,300.00
	<b>Security</b>	
	Security	£1,711.00
<b>Misc.</b>		
Entertainment	£22.10	
Stationery	£6,570.20	
<b>Total</b>	<b>£215,674.74</b>	
<b>Income</b>	Sponsors	£100,000.00
	Ticket Sales	£10,000.00
	Exhibition Receipts	£4,400.00
	<b>Total</b>	<b>£114,400.00</b>

Grand Total -101,274.74

1860

**Hon. S M Figueras:** So, Mr Speaker, perhaps the Minister can explain: if the vehicles were rented and sourced from a Spanish dealership, can the Minister identify whether there was any requirement for them to be registered with Gibraltar plates on a temporary basis? I assume from the answers that the Minister has given that those vehicles are no longer in Gibraltar.

1865

**Hon. Dr. J E Cortes:** Mr Speaker, the Government has, I believe, three number plates which it uses for special occasions when cars are obtained from abroad. I believe the last time they were used was for the Royal visit and I am informed that, on other occasions, these number plates are placed on cars from abroad. That is information I have been given by the relevant Department.

1870

1875 **Hon. S M Figueras:** I am grateful for the answer. It is quite intriguing because certainly the previous event which was the occasion of the visit to Gibraltar of the Earl and Countess of Wessex, certainly given my track record as a petrol head and fascination for all things motor cars, I observed were locally sourced vehicles and that in this case, they were foreign sourced vehicles. I have asked the question, Mr Speaker, because, frankly, I simply cannot see the point of re-registering vehicles on Gibraltar plates, when they are already registered.

1880 In relation to the other Questions, Mr Speaker, if I am given an opportunity to review – there were many Questions – the Minister in relation to Question 955 has said that he has a list of 28 companies local and foreign. He has the list, but will he provide it to me, even on a confidential basis, certainly, because I am interested to understand what interest has been generated by the Conference?

1885 **Hon. Dr. J E Cortes:** Mr Speaker, personally, I would have no problem with that, but I do think it would be fair, as I said in answer to another question on the same lines last time, that I would need the permission of these companies for me to share it. They approached Government in confidence and I feel that there may be commercial reasons. If anybody else finds out, there may be competitors who are interested in coming in. I would be uncomfortable in just giving the list.

1890 I can show him that I have a list, but I would hesitate, without the permission of those companies, so I would have to consult them. Some of them will have been clear and public, because some of them did exhibit in the Trade Fair, but there are others that did not and therefore perhaps they feel that they have commercially private discussions with Government and I do not think I should share this.

1895 **Hon. S M Figueras:** Mr Speaker, I am particularly interested in those companies from outside Gibraltar that have expressed an interest in investing and trading here as a result of, as the Government themselves have claimed on a couple of occasions, the Al Gore Conference and I think it is a relevant point to make.

1900 I shall not take too much offence at the suggestion that providing me with this information in confidence could cause any jeopardy whatsoever to those companies, because it was handed to me on that basis, and they would certainly be kept on that basis, in the same manner as the fees for Al Gore were shared with myself confidentially and have remained so to this day, despite the account.

1905 **Hon. Dr. J E Cortes:** Mr Speaker, I was in no way implying that the hon. Member was going to divulge confidential information. I was just expressing my discomfort at sharing it, but I would be happy to have a conversation outside this House and certainly to indicate, certainly at least in broad terms, the areas in which these companies are working. If then the hon. Member is not satisfied with our private discussion, then obviously he can always ask a question again.

1910 **Hon. S M Figueras:** I am grateful for that. Sorry, [*inaudible*] Yes, I have other supplementaries on the other questions.

1910 **Mr Speaker:** Yes.

1915 **Hon. D J Bossino:** With the Speaker's permission? Mr Speaker, in answer to Question 955, the Hon. Minister for the Environment mentioned 28 companies I think he said 'ranging from those already in Gibraltar and those interested in trading here'. What we are interested in to find out as an Opposition is what international interest this Conference has elicited. In those circumstances, is he able to tell this House, Mr Speaker, provide a breakdown, of the 28, which of those are in Gibraltar and which of those are from outside?

1920 **Hon. Dr. J E Cortes:** Mr Speaker, certainly that information can be provided. I cannot do it now because I would have to go through them one at a time and see which are already trading here and which are not; but I will undertake to provide that information as a breakdown.

1925 What I can say is that some of the companies are actually already in Gibraltar, but are considering bringing in other products or other services as a result of this green initiative and, therefore, the fact that they are already here does not imply that they may not bring other activity to Gibraltar.

1930 **Hon. D J Bossino:** And can he also say – I am interested to find out, Mr Speaker – of the 28 who have expressed an interest, have any of them entered into any formal contractual commitments?

1930 **Hon. Dr. J E Cortes:** Mr Speaker, not as yet. We have had discussions and meetings – certainly, I recall on the list, I have personally been involved in two of them, but no contracts have yet been entered into. This is only about a month ago, so it requires a bit more than that.

1935 **Hon. S M Figueras:** Mr Speaker, in relation to Question 953, the Hon. Minister kindly offered the answer that £100,000 was the total sponsorship contribution from Hassans and the Nature Group. Is he able to provide a breakdown of that contribution?

1940 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, if you would bear with me, I have my notes here. Hassans provided £50,000; the Nature Group, £25,000; and an associate of the Nature Group, Burando, £25,000; Gibtelecom provided certain services in kind and another provider of services in kind has requested that they remain anonymous.

1945 **Hon. S M Figueras:** Not to be mischievous, but I cannot help myself: is there any particular reason why they have requested this remain in confidence?

1950 **Hon. Dr. J E Cortes:** Mr Speaker, I offered them acknowledgement in the material and they said that they preferred to make the contribution in an anonymous manner. There were services in kind, but I feel that I have to honour that request. (*Interjection by Hon. S M Figueras*) It was their decision, certainly not mine. I would have only been too happy to acknowledge their contribution, but they preferred that it should not be aired publicly.

1955 **Hon. S M Figueras:** Far be it for me to suggest that the Minister should betray confidence in that manner, though it does strike me as odd that a company that provides services to the Government should do so anonymously, as there are implications and other issues surrounding the general provision of services to the Government.

1960 However, moving on to Question 952, which is in respect of the ticket sales, I note from the schedule that there were 192 total ticket sales. How many were in attendance at the Conference and how many seats were available at the Conference? I know that you may need notice, but just in case.

1965 **Hon. Dr. J E Cortes:** Mr Speaker, it is speculation. I have not had anybody actually count, but from the size of the venue the various estimates that I have been given are between 700 and 900 people present. That is the estimate that I have been given by people who, I suppose, know how to estimate these things.

1970 I am capable of estimating the size of a flock of migrating Honey Buzzards, but I am not as good at estimating the size of people in a hall.

1975 **Hon. S M Figueras:** I am grateful for the offer, but I do not think it will be relevant in this specific context.

1980 I believe there was one more supplementary I wanted to ask – but no, it has slipped my mind. I am grateful for all the answers the Minister has provided.

1985 **Mr Speaker:** Yes.

1990 **Hon. D A Feetham:** Just returning back, Mr Speaker, to the issue of the anonymous provider of services in kind, is there any particular commercial sensitivity on the part of the Government, in relation to this particular company or individual for the non-provision from the Government, or is it just a request by the service provider? That is one supplementary.

1995 And if it is, does he not accept that the Government is obviously under an obligation to provide an account to this House for information, particularly inclusive of service providers that provide services to the Government, and that it is quite improper for the Government to actually agree to anonymity, when of course the Government knows that it is accountable to this House, and therefore that it is likely to have questions of this nature?

2000 **Hon. Dr. J E Cortes:** Mr Speaker, I would need to take counsel on the second part of that question. Certainly, there was never any intention that that should be. If it were that kind of situation, then I feel that I would be obliged to divulge the information and obviously, I would have to do so.

2005 However, I spoke to the Chairman of that particular company and I offered that, because of the contribution that was being made by that company, it should be included in the publicity and he said that he preferred that it should not. So, it was entirely at their request.

2010 I will now take back the comments of the hon. Member and if I feel that it can be seen to have been... there has been any impropriety of any sort, then I will clearly discuss it once again and I am certain, knowing the person that it is that I spoke to, that he would not wish this to cause any embarrassment to the Government and then, obviously, the name would be revealed.

2015 I think we should not make too much of it. I can assure the hon. Member there is nothing that we want to keep from anybody – purely out of respect of a conversation that I had with the Chairman of the company, but I will take advice.

1995 **Hon. D A Feetham:** Mr Speaker, I am not for one moment, in fact, suggesting any impropriety nor am I suggesting that there is any improper motive. In fact, I am not concerned about it *personally*, although my hon. and learned Friend, Mr Figueras, has asked the questions. Personally, I am concerned about the principle of someone who is providing services to the Government to then claim, 'I am providing you services, but please do not reveal my name in the House.' That is the principle.

2000 Indeed, I go further, if it assists – so that I can formulate it in terms of a question – will he when he goes back to this particular company, if there is no problem after you have discussed it, could he reveal the information on a confidential basis to us, because it may well be that, after you reveal the information outside, we really have no interest in it?

2005 It is the principle that concerns me, nothing else.

**Hon. Dr. J E Cortes.** Certainly, Mr Speaker, I accept the concern and, as I say, I will look into the matter formally, but I will have a conversation with the hon. Member and I am sure that we will be able to reach some understanding.

2010 **Hon. S M Figueras:** Mr Speaker, working in a very collegiate fashion, I have had brought to my attention another couple of questions which are actually quite pertinent and I had not had an opportunity to assess.

2015 In the answer to Question 954, the schedule of expenditure, the Hon. Minister will see that in that schedule, there is a reference to the Chrand contractual payment of £166,000. Is the Minister able to confirm now, publicly, what the fee paid to the speakers was?

**Hon. Dr. J E Cortes:** Mr Speaker, I did provide that information confidentially to the hon. Member. I do not have my notes here, but I think it was in the region of 140,000 – but I stand to be corrected – and that is for speakers' fees.

2020 Let me just say that this company –

**Mr Speaker:** Is that 140,000 pounds, euros, dollars? (*Interjections*)

2025 **Hon. Dr. J E Cortes:** That is 150,000 euros. (**Mr Speaker:** Euros.) I need to confirm that, because I do not have that information. That was included in the fee to the company who were the agents of Vice-President Gore and acted also for Mr Juan Verde, and that included everything, which included deployment from the United States. In fact, Vice-President Gore was going to address a conference in Barcelona the day before. That was cancelled because of the situation in Catalunya. It had involvement of the *Generalitat*, and because they were in an electoral process, that was postponed actually. So Vice-President Gore actually flew from the United States exclusively to come to Gibraltar, but we were not charged additionally for that. That was assumed by their agents.

2030 So I just wanted to point that out, even though, in a way, we were going to be sharing with the Barcelona event, the fact that that was postponed did not incur us in any additional expense.

2035 **Hon. S M Figueras:** I am grateful. I am happy to hear that that was the case.

2040 Just one more observation that was made by my hon. Colleague, there is a reference to transportation here of £1,953 and the cost of the three Priuses was in the region of £1,125, in accordance with the detail given in answer to Question 956. Now, I am certain £1,953 in the schedule does not cover the costs of the private jet to fly *out* of Gibraltar, certainly, by Vice-President Al Gore. Is the Minister able to explain what that cost was? It is rather insignificant, to be perfectly honest, in the grand scheme of things, but it is a point that was referred to me that I thought worth raising.

2045 **Hon. Dr. J E Cortes:** Mr Speaker, this is the breakdown that I have been provided. I would have to look into that. There may have been other transportation costs of other participants or collection, perhaps, from the airport. I am not sure. I would have to seek advice on that and I will do so.

**Clerk:** Question –

2050 **Hon. D J Bossino:** Mr Speaker, I also have a supplementary in relation to the schedule that we are now considering. There is a fee for Legal Services of £1,755. Can the Hon. Minister tell me which firm provided those fees?

2055 **Hon. Dr. J E Cortes:** Again, I would have to seek the information and I would be happy to provide once I have sought it. I do not have that information.

**Mr Speaker:** Yes?

2060 **Hon. E J Reyes:** Mr Speaker, coming back to Question 952, in supplementaries, I think I understood correctly that the Hon. Minister said that between 700 and 900 people attended. If those were the number of attendees, what were the number of seats that were available?

**Hon. Dr. J E Cortes:** Once again, I do not know the seating capacity of the Tercentenary Hall. In addition, there were seats on the ground level, but again that is information that has not been specifically requested and therefore I would have to find out.

2065 **Hon. E J Reyes:** I ask, Mr Speaker, because I do not know if the Hon. Minister is aware, I do recall in my capacity as the then Minister for Culture, I actually issued the licence, because conferences, stage performances and so on, where people have to pay for entrance, that establishment has to be licensed. I remember having issued the licence in favour of the Tercentenary Sports Hall, but there was a clause there that there was a maximum number of people who could attend in that venue, because that had to be certified by the Chief Fire Officer.

2070 Can the Minister, at some stage, find out what certification was given as a maximum number by the Chief Fire Officer, just to make sure that we have not contravened the rules of what has actually been licensed for under my tenure as Minister for Culture?

2075 **Hon. Dr. J E Cortes:** Mr Speaker, my hon. Friend, the Minister responsible for Sports has just advised me that he can obtain that information and certainly that will be obtained.

**Hon. S M Figueras:** Mr Speaker, I have absolutely one final –

2080 **Mr Speaker:** There is a point which I think the hon. Member, if he looks at Question 952, he will realise that, other than in the case of allocations made to pupils from schools, the question dealt with tickets sold, a question of tickets. Therefore, in the supplementary you are not asking about tickets now; you are asking about the number of people actually attending and the capacity of the hall. They are different issues.

2085 **Hon. E J Reyes:** I accept that, Mr Speaker, and I was asking a supplementary following a reply to a supplementary that the Hon. Minister had given, where he said... I know it is stretching a bit much, but I just asked, in case the Hon. Minister....

2090 **Mr Speaker:** It is a very straightforward thing to get the information and it will be obtained.

**Hon. S M Figueras:** Mr Speaker, absolutely one final supplementary. Again, I am grateful and I suspect that the Hon. Minister will need to go back and get more information on this.

2095 It is just that it strikes me that there is an entry under PR and Logistics on the schedule of expenditure. I will give the Minister an opportunity to look at it. Under PR and Logistics, electrical supply, £5,300: it just strikes me as an inordinate amount of money, which I suppose will only be explained if we were... I do not know what we were powering that evening, but it is quite a significant amount of money for that particular event. Does he have any further information on that?

2100 **Hon. Dr. J E Cortes:** Mr Speaker, I do not. I believe that there was an issue with power supply in St Michael's Cave and there was a back-up generator going to be on site, but I am not certain that that is that.

2105 But again, I will need to go back and get the information and I will. I will write to the hon. Member with all the information that has been requested today, which I have made a note of.

**GHA trainees  
Length of training and qualifications attained**

2110 **Clerk:** Question 960, the Hon. Mrs I M Ellul-Hammond.

2115 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, before asking my Question, I would like to through the Hon. the Minister for Health congratulate the Primary Care Centre Staff for an excellent job done on 1st November for managing the new advance appointment system and that there was no repetition of the scenes that we witnessed on 1st October. We are on this side of the House very happy that the new system is working so far.

2120 Now if I turn to my Question 960, Mr Speaker, further to his answer to Written Question 156/2012, can the Minister for Health state the following: (a) until when will the training periods in which the 13 trainees placed within the GHA last; (b) what training is being provided within the type of work undertaken by the trainees; and (c) what accredited qualifications, if any, will the trainees attain at the end of their training period or placement?

2125 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

2130 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, first of all, if I may thank the hon. Lady for thanking my staff, I too am very satisfied and proud of the work that has gone into it. We held a number of inter-disciplinary team meetings, tweaked it after the October difficulties and I must say that I have to pay tribute to them and to the public in Gibraltar for responding so positively to various initiatives. I am very satisfied that the Primary Care Centre is now a place where people can go in the comfort that they can be given an appointment in time and the whole atmosphere has changed. I would like to state that publicly as well. I am very proud of the commitment of the staff there.

2135 Mr Speaker, I will now proceed with the answer to the question and I provide the following information in relation to the 13 trainees: firstly, part (a), there is no fixed training period, the employing company can redeploy the trainees elsewhere at any given point in time; secondly, training is provided on the job; and thirdly, point (c), no accreditation or qualifications will be obtained at the end of the trainees' training.

2140 **Mr Speaker:** Any supplementaries? Next question.

**New Mental Health Facility  
Alterations to former Government plans**

2145 **Clerk:** Question 961, the Hon. Mrs I M Ellul-Hammond.

2150 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health provide this House with an inventory of any alterations made to the former Government's plans for the new Mental Health Facility and the cost of these changes?

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

2155 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, an early priority for the Government was to review the working plans for the new Mental Health Facility that were in existence with the lead clinicians. The main area of concern related to compromises that had been made because of a requirement to locate all existing and new Mental Health Services within a confined footprint located on four floors in the block allocated at the former Royal Naval Hospital.

2160 Given that the design and enabling works at this stage were advanced, the clinicians consulted were of the view that any benefits to undertaking radical re-design and planning at this late stage would be offset by the significant time delays to the delivery of the project.

2165 The overwhelming advice was that the patients in KGV had already waited far too long for civilised living conditions and this could not be delayed any further. Therefore, by their own choice, some of the improvements they would have wanted could not be affected as a result of their not having been consulted in the past.

2170 Changes to the plans as they were developing that *were* made included a decision not to build a day facility in what was to be a garden area between the blocks and instead provide an area in one of the blocks that had been identified to provide accommodation for staff. That is, *had* been identified; I do not want this to appear that we have provided accommodation for staff. The block that would have provided accommodation to staff will now have the facilities that were going to go in the garden area.

Therefore the garden could now be designed to accommodate needs including therapy and recreation for the uses of the complex. This building would have cost about £500,000.

2175 Further to the drafting of this answer, I am told that the garden will cost about £200,000 to provide in the way that I have described.

Other changes relate to layout of rooms, types of furnishings, etc which are considered largely cost neutral.

Other specific changes include those related to sustainable technology. These are – and they are construction budgets only; they do not include fees, the figures that I am about to give:

2180 Change to LED lighting for the buildings and associated external areas: the benefits of LED lighting are cheaper running costs and longevity. Anti-ligature LED fittings have had to be researched and developed with the lighting industry to obtain a suitable solution. This cost will be £70,000.

2185 A water-heating solution: this is where the generated waste heat in powering the air conditioning condenser is recovered and linked to a hydrobox as the primary heating source for water. Additional system resilience is built in by re-locating one of the two calorifers that were intended for Block B to C. This is at a cost of £20,000.

Solar panels, 10 in number, linked to the thermal storage circuits, offering additional resilience to the system adopted in item 2 above: that is £54,000.

These will all result in considerably lower running costs for the site.

2190 In addition, following professional advice, a central pharmacy will be provided and created within the existing Block C footprint, having the ability to dispense medication to Block C occupants, visiting community attending Block D and the Dementia Block residents. This is expected to cost around £30,000.

2195 One thing that I have learned from the clinician colleagues is that there is a lot more to plans than merely the building itself, crucial though these are, given the cramped conditions at KGV. Where the Government is making the greatest changes is with respect to the philosophy of care for mental health patients and the crucial work we have to do with respect to de-stigmatising mental illness in our society. With this in mind, there are a number of important alterations to and development of the former Government's plans.

2200 This includes more commitment to work in the community and rehabilitation, including exploring opportunities to encourage employers across Gibraltar to do the same. The GHA will also be working to ensure that the rehabilitation flats, which will house seven residents within the new facility... that the occupants are helped to move out into the community as soon as possible, once the rehabilitation programme is completed.

2205 Finally, the Government is encouraging young people to view careers in Mental Health as rewarding and fulfilling.

**Clerk:** Question 962 –

2210 **Hon. D A Feetham:** Mr Speaker...

**Mr Speaker:** Yes?

2215 **Hon. D A Feetham:** The Hon. the Minister... I think there are two areas in relation to changes, as I understand it. One is in relation to the garden area, where effectively, the Government is making a cost saving because it has decided not to go ahead with the building; he said that was £500,000. The cost to the changes to the landscaping, the garden itself is £200,000, so they are making a cost saving in relation to that. Now, in relation to the building itself, am I right in saying – and my maths is not particularly good – that the total cost of the alterations to the mental hospital is £100,000?

2220 **Hon. Dr. J E Cortes:** Mr Speaker, the maths are certainly not good. If we add what I have said, it is more in the region of £170,000, if we go by the list that I have costed, and that is information that I have at the moment.

2225 **Hon. D A Feetham:** And can he confirm that apart from this... I calculated £100,000; he says £170,000. It makes no difference for the purposes of the information that I am trying to elicit.

Can he confirm that, apart from this, the original cost of the mental hospital which was £10 million, that continues to be the cost at present, as far as you are aware?

2230 **Hon. Dr. J E Cortes:** Mr Speaker, the Question specifically asked the cost of the alterations. It did not ask the general cost of the project. I have no information to suggest that it is different to what the hon. Member has said, but I cannot confirm it, either. I will have to have the specific question and then I could come up with the overall cost of the project. I have costed, in reply to the specific Question, the specific alterations.

2235 **Hon. D A Feetham:** Yes. Mr Speaker, does the Hon. the Minister accept that, in the context of a project of £10 million – that was the original cost of this project – that alterations of between £100,000 and £170,000 – the £170,000 is the figure that the hon. Gentleman says that these alterations cost, and in fact given that the alterations, which are fairly minor, in terms of lighting and the like – sit simply does not justify the way that the hon. Member has characterised the project in the past as having been rubbish and subject to a plethora of changes?

2240



**Hon. Dr. J E Cortes:** I do not think I have ever used the word ‘rubbish’ in this context, Mr Speaker. It is a word that I rarely use anyway, so I think my recollection will be correct.

2245 Mr Speaker, as I have explained, there have been other changes which I said were cost neutral, or largely cost neutral, which includes the alignment of the rooms, the setting out of the rooms, where the furniture is placed, the type of furniture and so on, which has responded more to what the clinicians have said is wanted. The second, very significant part is how Mental Health is going to be taken forward in the new facility and, again, that is a considerable consideration.

2250 So there have been changes. Some of them will be cost neutral, others will not. Remember that we are talking about, if the project is indeed £10 million, we are talking about a large project that regardless of what you do to it, the general enabling works and the general converting the fabric of the building into one that will sustain a mental unit, or any other facility, will be the main cost. Therefore, you would expect that the main cost would be similar. What you do to it inside will usually be less expensive and therefore we cannot use the ratio of £100,000/£170,000 to £10 million as an indication as to the significance of what that money has been spent for.

2255

**St Bernard’s Hospital seafront garden  
Opening up for patients and visitors**

2260

**Clerk:** Question 962, the Hon. Mrs I M Ellul-Hammond.

2265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise whether he will consider the request by the Gibraltar Senior Citizens’ Association to open up St Bernard’s Hospital seafront garden to patients and visitors?

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

2270 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the garden is already open to visitors, patients and staff. What the Senior Citizens’ Association requested was to improve access, for example for the elderly or persons in wheelchairs. This does not need any consideration and was clearly supported immediately.

Plans are being developed to facilitate this and funding has been identified.

2275

**IVF clinic  
GHA services and referral system**

2280

**Clerk:** Question 963, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to say which IVF clinic will be offering their services to GHA patients and how the referral system will work?

2285

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

**Minister for Health and Environment (Hon. Dr. J E Cortes):** Mr Speaker, the tender for the provision of IVF services to the GHA was awarded to the Medrano Clinic. The details of the referral system and procedures are being finalised with the professionals.

2290

The service is expected to commence on 1st January 2013.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us where the Medrano Clinic is?

2295

**Hon. Dr. J E Cortes:** Mr Speaker, I believe it is in Algeciras.

**Hon. Mrs I M Ellul-Hammond:** And, Mr Speaker, will patients be referred through the Sponsored Patients Scheme as part of Tertiary Care?

2300

**Hon. Dr. J E Cortes:** Mr Speaker, as I say, the actual procedures are being finalised. We are not sure that Sponsored Patients is the correct way; it might well go through that, but as I say it is being finalised, we are talking to the professionals to see what the best way of streamlining this is, but we will be ready to

go – at least we expect to be ready to go – on 1st January. But certainly, when we decide how it is going to work, we will make it public so that everybody is well aware, including the hon. Lady.

2305

**Health records  
Tender for electronic health technology**

2310

**Clerk:** Question 964, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker can the Minister for Health inform this House when the electronic health technology for health records will be going out to tender?

2315

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

2320

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, a number of presentations from various suppliers of Health Information Systems have been made to myself, clinicians, managers and staff of the GHA over recent months. These included earlier this week a presentation from representatives on the technology used by the Basque Health Services.

All of these presentations will now be evaluated against the needs of the GHA, with a view to preparing the tender documents.

2325

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, have all the clinicians submitted their views on this new project?

2330

**Hon. Dr. J E Cortes:** Mr Speaker, clinicians were involved in a committee that was discussing the various options and clinicians have been present at the presentations. There was one several weeks ago which included clinicians; and the one by the Basques was in fact earlier on this week and there were clinicians across the range, including doctors, nurses, therapists, laboratory staff, so they have all been involved in the process, yes, sir.

2335

**Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, when will a final decision be made as to which company to hire for this technology and who will be making that decision?

2340

**Mr Speaker:** Next question.

2345

**GHA Board  
Next meeting in public**

**Clerk:** Question 965, the Hon. Mrs I M Ellul-Hammond.

2350

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise when the next GHA Board meeting in public will take place?

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

2355

**Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the next GHA Board meeting in public will take place on Wednesday, 19th December this year.

**Mr Speaker:** Next question.

2360

2365

**Good wishes to the Minister for Housing and the Elderly,  
Hon. C A Bruzon**

**Clerk:** Question 966, the Hon. E J Reyes.

2370

**Hon. E J Reyes:** Mr Speaker, if I may, I see from a note here that the Minister for Housing and the Elderly will not be in Parliament today. May I take this opportunity to convey him my best wishes and I hope he recovers well. I take it that he has recently undergone some surgery and he is a very, very old friend of mine. I certainly wish him all the best and I think I speak as well on behalf of all Members on this side of the House. *(Applause)*

2375

**Mr Speaker:** I would like to associate myself with those remarks.

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

2380

**Deputy Chief Minister (Hon. Dr. J J Garcia):** Mr Speaker, can I, on behalf of the Government, also wish our colleague a speedy recovery. We've heard it's gone well and we are hoping to see him soon with us in this House.

2385

**HOUSING AND THE ELDERLY**

**Housing and the Elderly  
Details of trainees and placements**

2390

**Hon. E J Reyes:** Now, Mr Speaker to the Question: can the Minister for Housing and the Elderly provide details, giving a breakdown by age, gender and nationality, of all trainees and placements with any of the Ministries for which he has responsibility, indicating the Department, Agency or Authority where they are placed and indicating the type of work they are currently undertaking?

2395

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services, on behalf of the Hon. the Minister for Housing and the Elderly.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested.

2400

**ANSWER TO QUESTION 966**

The Ministry for Housing currently has four trainees on placement from the Construction Training Centre, as follows:-

Placement	No. of Trainees	Age	Gender	Nationality	Type of Work
Housing Department	None	-	-	-	
Housing Works Agency	4	19 & 20	Male	British	Carpentry and Masonry

2405

**Hon. E J Reyes:** Mr Speaker, I wonder if the Hon. Minister can clarify something for me. I gather from the schedule that there are four trainees. Between the four of them, they are the ages of 19 or 20 – it does not really matter all that much if three are 19 or only two – but when it says the type of work is carpentry and masonry, does he happen to have any information whether these individuals are actually, for example, enrolled within the construction training centre and are therefore carrying this out as placements working towards their NVQs or are they not in any connection to the Training Centre?

2410

**Hon. P J Balban:** Mr Speaker, the former is in fact the case: they are actually placements from the Construction Training Centre.

**Hon. E J Reyes:** Working towards the NVQs?

2415

**Hon. P J Balban:** Mr Speaker, that is correct.

**Hon. E J Reyes:** Thank you for the clarification, Mr Speaker.

**Housing and the Elderly  
Trainee placements and qualifications attained**

2420

**Clerk:** Question 967, the Hon. E J Reyes.

2425 **Hon. E J Reyes:** Can the Minister for Housing and the Elderly state the following in respect of all trainees, if any, currently in a placement within any Ministries for which he has responsibility: (a) until when will the training periods in which the various trainees placed within his Ministries last; (b) what training is being provided within the 'Job Description' undertaken by the trainees; and (c) what accredited qualifications, if any, will the trainees attain at the end of the training period/placements?

2430 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2435 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the trainees currently in placements with the Ministry for Housing will: (a) be in training with the Housing Works Agency for a period between three and six months, as requested by the Training Centre; (b) The trainees are being trained to undertake the complete range of duties associated with their chosen trade with adequate supervision. They are being jointly supervised by members of the Housing Works Agency and their instructors from the Training Centre; (c) The trainees are training towards obtaining a National Vocational Qualification in a building construction trade and their placement in the Ministry forms part of their programme of studies.

2440

**Government rental accommodation buildings  
Scaffolding**

2445 **Clerk:** Question 968, the Hon. E J Reyes.

2450 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide an updated list of all Government buildings used for rental accommodation which currently have scaffolding, including dates when the scaffold was first erected, the cost incurred to date and estimated date of dismantling?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2455 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

**ANSWER TO QUESTION 968**

Location	Date Erected	Estimated Removal	Cost to Date
Wilson's Ramp	12/12/2009	Completion Date Pending	£386.25
Bado's Building	12/01/2010	Completion Date Pending	Cost Included In Contract
Naval Hospital Hill (26)	23/04/2012	Completion Date Pending	Cost Included In Contract
South Barrack Road (10)	27/04/2012	Completion Date Pending	Cost Included In Contract
Sandpits House	Being Erected	Completion Date Pending	No Cost to Date
Danino's Ramp (14)	31/10/2012	Completion Date Pending	No Cost to Date
Calpe House	31/08/2012	Completion Date Pending	£2,850.00
Renown House	28/09/2012	Completion Date Pending	£480.00
Flat Bastion Road 62	24/10/2012	Completion Date Pending	£420.00

**Alameda House, Alameda Estate  
Lift breakdown and repairs**

2460 **Clerk:** Question 969, the Hon. E J Reyes.

2465 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing say how many times any of the two lifts at Alameda House within Alameda Estate have broken down since 1st October 2012 and provide details of how long the repairs have taken to be fully completed since the report was first lodged?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2470 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, during the period 1st October 2012 to 9th November 2012, the lifts at Alameda House required to be attended nine times as follows: the north lift on six occasions; and the south lift on three occasions.

However, due to the rainwater penetration, the north lift has had to be stopped on 30th October 2012 and is awaiting spare parts.

2475 **Hon. E J Reyes:** Mr Speaker, is he able to offer me any information towards the latter words of my sentence, how long the repairs have taken to be fully completed since the reports were first lodged?

2480 **Hon. P J Balban:** Mr Speaker, unfortunately, I have not been provided with the information requested by the hon. Member, so I am happy to pass this information to him at a later date.

**Hon. E J Reyes:** I will be very grateful, I accept, Mr Speaker, if the hon. Member can write to me as soon as possible with the information.

2485

**Bow Wave House, Mid-Harbour Estate  
Lift breakdown and repairs**

2490 **Clerk:** Question 970, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing say how many times any of the two lifts at Bow Wave House, Mid-Harbour Estate, have broken down since 1st October 2012 and provide details of how long the repairs have taken to be fully completed since the report was first lodged?

2495 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2500 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, during the period 1st October 2012 to 9th November 2012, the lift at Bow Wave House required to be attended on four occasions: both lifts on three occasions; and one lift on one occasion.

All corrective action is undertaken within the time the lift is attended by the service provider, which is OTIS.

2505 **Hon. E J Reyes:** Sorry, Mr Speaker, I did not quite catch the last words, something, whatever preceded...

**Mr Speaker:** OTIS.

**Hon. E J Reyes:** What preceded OTIS?

2510 **Hon. P J Balban:** I will repeat, Mr Speaker: all corrective action is undertaken within the time the lift is attended to by the service provider, who is OTIS.

**Hon. E J Reyes:** I do not quite understand, 'within the time' – what length of period is that?

2515 **Hon. P J Balban:** Mr Speaker, what it is saying is that when the lifts are reported, obviously the problems need to be reported, the service provider comes down and they are repaired there and then.

2520 **Hon. E J Reyes:** May I, Mr Speaker, perhaps I need a bit of your guidance. I am very conscious sometimes when I ask these questions that some information is provided by the Government on the website. If I can refer to Table H.28, which is on the website, that was last updated on 2nd November and referred to the breakdown of lifts and so on. Therefore it did not mean that I had to ask a very long question: most information was there.

2525 Just for future reference, Mr Speaker, at the top of Table H.28, under the heading of 'Lifts and Government Estates 2012', it lists in one column the estates and then it says 'faults reported up to October 2012'. Unlike other tables, where in other tables it says if it is 31st October or whatever – there is a specific date, that then allows me to clarify whether 'October' means the beginning or the end of the month – may I humbly ask the Minister to convey to whoever compiles these details that, to allow me to even reduce the number of questions asked that when we have tables like this that say 'faults reported', like the Hon. Minister has so nicely done today – he has given me a period 1st October to 9th November,

2530 I can actually home in on the number of days or weeks – that likewise the published tables say whether it is 31st October or 1st October. Therefore it could save me a lot of future questions.

2535 **Hon. P J Balban:** Mr Speaker, that message was in fact conveyed to the Ministry for Housing and in fact, in the future, you will notice that the statistics will be for the complete month. So it will be for the whole month of October, whole month of November, etc. At the moment, the questions are being asked and they include part of one whole month and part of another month; but the way they will be represented in the future is as whole months, and I will convey that message to the Housing Ministry.

2540 **Hon. E J Reyes:** I am grateful for that and will look forward to the future.

**Mr Speaker:** Next question.

2545 **Harbour Views Estate  
Extension of lifts**

**Clerk:** Question 971, the Hon. E J Reyes.

2550 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state when the works to extend the reach of lifts within each block of flats at Harbour Views Estate into the parking garages will commence, together with estimated completion dates?

2555 **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, this matter and all matters relating to Harbour Views are being discussed with the Management Company.

2560 **Hon. E J Reyes:** I am grateful to know that they are being discussed, Mr Speaker, but does he have any indication of when the works will commence and any possible indication of completion dates?

**Hon. P J Balban:** Mr Speaker, unfortunately not. An announcement will be made in due course, when this information is available.

2565

**Government rental homes  
Maintenance/repairs to lifts**

2570 **Clerk:** Question 972, the Hon. E J Reyes.

2575 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details in respect of the number of times lifts pertaining to Government rental homes have required corrective maintenance/repairs since the information provided at Table H.28 on the Government's website updated 2nd October, indicating who carried out the maintenance/repairs, together with a full and detailed breakdown of costs?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

2580 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information the hon. Member is requesting is updated on a monthly basis.  
I now hand over the schedule containing the information.

**ANSWER TO QUESTION 972**

Estate	Faults reported	Number of times the lifts required corrective maintenance/repairs
Alameda Estate	72	72
Penney House	6	6
Varyl Begg Estate	54	54
Glacis Estate	94	94
St John's Court	2	2
Mid Harbour Estate	82	82
Knight's Court	1	1

2585 **Mr Speaker:** I think that for the sake of accuracy, the schedule I think really, strictly speaking, is a Table – for the sake of accuracy, because there is then including who carried out maintenance repairs together with a full and detailed breakdown of cost.

I think that the hon. Minister should read out the other two sentences, which will then form part of the main answer.

2590

**Hon. P J Balban:** Mr Speaker, I will do. In attendance –

**Mr Speaker:** All attendance.

2595

**Hon. P J Balban:** Oh sorry! All attendance, maintenance and repairs, when required, have been carried out by OTIS, who is the service provider.

OTIS submits invoices on account on a quarterly basis. Therefore, a full breakdown of costs will not be available until the end of December 2012.

2600

**Mr Speaker:** Any supplementaries.

**Hon. E J Reyes:** No, Mr Speaker, I think the Minister has already sort of hinted: what he is saying is 'Wait until the end of December'. That is the only time when he can legitimately provide an accurate picture of cost.

2605

I will take that on board and pose it after December.

2610

**Affordable homes  
Agreements with developers**

**Clerk:** Question 973, the Hon. E J Reyes.

2615

**Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of any agreements Government may have entered into with developers in respect of building affordable homes, on a scheme of purchases guaranteed by Government, as previously signified it is their intention to do, and stated through Press Release No. 530/2012, dated 22nd August 2012.

2620

**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 has not entered into any agreements with developers in respect of building affordable homes.

2625

**Hon. E J Reyes:** Mr Speaker, I take it that the Government has still not entered... Can he clarify, are they in the process of discussion, with a view to entering, or is he able to enlighten me with any pertinent information?

**Hon. P J Balban:** Mr Speaker, tender documents are being prepared.

2630

**Mr Speaker:** Yes.

2635

**Hon. D A Feetham:** Mr Speaker, can the hon. the Minister – I know it is not part of his portfolio, but there are others perhaps who can provide the information if he cannot – can he assist the House in relation to the nature of the guarantee that the Government is providing these developers? Can he provide us with more information in relation to that, please?

**Hon. P J Balban:** Mr Speaker, this is actually one of the issues that is being finalised at the moment.

2640 **Hon. D A Feetham:** I accept that – ‘finalised’ – but does he have an idea of what we are talking about, when one talks about a guarantee? Is the Government looking at a guarantee that the developer will receive the contractual price? For example, if a developer tenders £30 million for a particular project, is the Government considering guaranteeing that the developer will receive that £30 million, bearing in mind that we are talking about flats that are going to be sold to members of the public. Is that what is meant by the guarantee or does the guarantee mean something else?

2645 **Mr Speaker:** Given that the hon. Minister with responsibility is absent and that another Minister is answering on his behalf, there is no need to channel the answer through him. If one of the other Ministers knows the answers, then it is perfectly proper that he should stand up and give the information, if he so wishes.

2650 **Deputy Chief Minister (Hon. Dr. J J Garcia):** Mr Speaker, it is difficult to elaborate at this stage. The Government is still negotiating. When we have a clearer picture, it will be easier to come back to the House and to answer the hon. Member’s question.

2655 **Hon. D A Feetham:** The Government has come out with a press release saying that they are going to out to tender on these particular projects, and they have said that it will be backed up by a Government guarantee. I am not asking for a huge amount of detail; just the outline of the policy. The Government must have had a policy, when it actually issued a press release saying that this would be backed up by guarantee. I am just asking for an idea, a general picture of what that guarantee entails – not the detail.

2660 **Mr Speaker:** Would hon. Ministers like to check on the details and perhaps, if they are not in a position to do so now, whether they are able to do so later today and then provide the answer?

2665 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, we do not need to check. The position is that the documents are being finalised. The whole issue is being discussed at Government level at the moment before it goes out to tender. A press release has been issued announcing the matter and referring to the issue of a guarantee.

The hon. Member is now seeking details –

2670 **Mr Speaker:** No, he is saying that in the press release, there was an indication given that the purchases would be guaranteed by Government. I think what he is asking is: what is the nature of that Government guarantee?

**Hon. D A Feetham:** In general terms.

2675 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, it should be self-evident that what the press release is is what our intention is, in terms of the successful tenderer coming up with a number of properties at the sort of prices that we consider is within reach of people as affordable housing. When that materialises and if it materialises in the quantities and the prices that we want in order to meet the commitment to have everybody rehoused, it means that the developer will not be told, ‘If at the end of the day you cannot get people to buy the property, that is your problem, or we will go on the open market.’ These are properties that we do not intend should go on the open market, and therefore the Government would guarantee to step in, if the time comes.

2680 But we do not know whether it will or it will not, because that is the *intention* at the moment, and therefore, until we see what is available, at what prices... and in what numbers and sizes, because the whole idea is geared to the market that will be made up of people on the waiting list or people who release existing rented accommodation.

2685 But the final picture will not emerge until we see what is on offer.

2690 **Hon. D A Feetham:** I am very grateful to the hon. Gentleman. That answers my question.

2695



**TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES**

**Dudley Ward Tunnel  
Opening to the public**

2700

**Clerk:** Question 975, the Hon. D J Bossino.

2705

**Hon. D J Bossino:** Mr Speaker, just before I formally pose the Question –

**Mr Speaker:** Question 975 or 974?

**Clerk:** It is 975, because the Hon. Mr Costa answered 974 at the end of his batch of questions.

2710

**Hon. D J Bossino:** That's right.

**Clerk:** I recall the matter clearly.

2715

**Mr Speaker:** Okay.

**Hon. D J Bossino:** Mr Speaker, before I formally pose Question 975, after I submitted the Question to Parliament, there was a press release issued in the *Gibraltar Chronicle*, which states that the Dudley Ward Tunnel is, in fact, open. I will nevertheless have supplementary questions. Shall I pose it, Mr Speaker, formally?

2720

**Mr Speaker:** Yes.

**Hon. D J Bossino:** Can the Minister for Traffic advise the House when the Government expects that Dudley Ward Tunnel will be open to the public?

2725

**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 Dudley Ward Tunnel was re-opened on Tuesday, 13th November 2012 at 13.00 hours.

2730

**Hon. D J Bossino:** Yes, Mr Speaker, as indeed I stated a few moments ago and that was reported in the press, but after I had filed the Question in the House.

I ask this supplementary, Mr Speaker: can the Minister advise this House what remedial works were undertaken in order to ensure the opening of the tunnel?

2735

**Hon. P J Balban:** Mr Speaker, what happened in this case, is that the engineers actually went on site to have a look at whether they could actually see where the rock had come from, to try to assess whether there were any further hazards of further rocks falling. They declared to make safe, once they saw where the rock had come from. They cleared up and ensured... they, obviously waited until the bad weather ended – because obviously, living in a place like Gibraltar, with 400-odd metres of rock face, anything close to the rock face is obviously a hazard – and then decided it was prudent to reopen the tunnel.

2740

**Hon. D J Bossino:** Mr Speaker, I take it from that answer that no works were undertaken and therefore there was not any cost to the Government?

2745

**Hon. P J Balban:** The removal of rubble was carried out and that was the end.

**Hon. D J Bossino:** Mr Speaker, is the Government and the Minister, in particular, satisfied as to the safety of the area now? I know it is probably implied by the fact that the tunnel has been opened, but I will ask him to confirm that he is absolutely satisfied, and we can all lay our minds to rest in respect of that particular issue.

2750

**Hon. P J Balban:** Mr Speaker, as I mentioned earlier in the previous supplementary, a rockfall hazard will always exist, when we have a 450-metre-high rock, which is Gibraltar, so obviously it is impossible to state. It is something within reasonable... it is reasonable to suggest that it is as safe as can be.

2755

**Hon. S M Figueras:** Mr Speaker, can the Minister say, whether in future instances of bad weather, the Government will be required to close Dudley Ward Tunnel again, as a precautionary measure at all?

2760

I ask it simply because the Minister has said that, on review, it was declared safe and the bad weather had passed. I am merely asking the Minister to exclude the possibility of this happening again as a *precautionary* measure.

2765

**Hon. P J Balban:** Mr Speaker, no, the closure of Dudley Ward tunnel will not recur just because there is bad weather.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the hon. Minister confirm who conducted a risk assessment of the area and said that the area was now safe?

2770

**Hon. P J Balban:** Mr Speaker, it was Technical Services engineers, who were on site and actually went to see where the actual rock had fallen from. It was Technical Services staff, in conjunction with one of the consultant experts who they work with, and they are pretty certain they have found where the rock came from. They assessed as to what the probability was that that could recur, and obviously results show that it was okay to do so.

2775

#### Solar powered lamps by the frontier Costs

2780

**Clerk:** Question 976, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Traffic provide details of the cost of the installation and any other related costs of the solar powered lamps in the area by the frontier?

2785

**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 solar lighting project in the area of the frontier was led by the Gibraltar Electricity Authority. I have, however, obtained the information that the hon. Member is requesting, which I will now provide.

2790

The cost of the units was £27,216.90 and the installation costs were £4,800.

**Hon. D J Bossino:** Sorry, the £27,000-odd figure that the Minister has given, is that in relation to all the units or is it for each unit?

2795

**Hon. P J Balban:** Mr Speaker, the figure quoted is for all the units.

**Hon. D J Bossino:** I am not sure how this actually works in practice, Mr Speaker. He did say that it was handled by the Gibraltar Electricity Authority. I am not sure, whether, in that context, there is a tender process. Was this a subject of a tender process? That is my question.

2800

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** As Minister for Utilities, this Question was directed to the Minister for Traffic. It should have been directed to me, so I will answer the Question.

2805

There is no need for a tender process for this amount of money and this project anyway. What happened was that we decided, because it is a Government authority which did the works themselves, it does not need to go out to tender. The fact is that if it had been outsourced, then yes.

The thing is that the cost was much less than was envisaged, had they needed to... because the lights were needed to be put there and all the infrastructure work to put the lights there, putting solar powered lamps was cheaper and the running cost is zilch, because it is only the maintenance and the batteries.

2810

So at this point, what I am saying is that it was decided to do this because it was more cost effective.

**Hon. D J Bossino:** I have not fully understood. That is the argument that was put to me in connection with the other sort of lamps at the other car park. (**Hon. S E Linares:** Yes.) But Mr Speaker, is the Hon. Minister saying that... or can he tell me which – if there was a company... The Minister is saying it was not outsourced, but can he tell me which company provided the infrastructure?

2815

2820 **Hon. S E Linares:** Mr Speaker, GEA did the infrastructure. What you are probably asking is, who is the company that sold the solar panels, not the infrastructure. The infrastructure was done by GEA. *(Interjection by Hon. D J Bossino)* I need notice of who exactly they bought the lamps from.

**Hon. D J Bossino:** To see if my maths are correct, how many units were there, Mr Speaker?

**Hon. S E Linares:** I understand there were four.

2825 **Hon. P J Balban:** Mr Speaker, if I may come in there, in fact, the units installed: there were seven units were bought and six were actually installed.

2830 **Procedural**  
**Question 977 deferred**

**Clerk:** Question 977, the Hon. D J Bossino.

2835 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, may I interrupt? In view of the next Question, if we recall the next question will be posed by the hon. Member, back in Question 890/2012, this Question's supplementaries led to discussing the actual issue of King's Wharf. In fact, that is actually dealt with by the Office of the Chief Minister with the Chief Technical Officer, so I am suggesting that if that is where the Question will lead, if we could maybe pose this Question again in the presence of the Chief Minister later on?

2840 **Hon. D J Bossino:** I am not sure where the Question necessarily will be leading until I get the answer from the Government, but I am happy to delay this until Chief Minister's Questions, given that, in fact, I think the majority of the answers were indeed supplied by the Chief Minister on the last occasion, so I am happy to oblige, Mr Speaker.

2850 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Department of Education**  
**Training placements and qualifications attained**

2855 **Clerk:** Question 989, the Hon. Mrs I M Ellul-Hammond.

2860 **Hon. Mrs I M Ellul-Hammond:** Further to his answer to Written Question No. 177/2012, can the Minister for Education state the following: (a) until when will the training periods in which the six trainees placed within the Department of Education last; (b) what training is being provided within the 'Type of Training' undertaken by the trainees; (c) what accredited qualifications, if any, will the trainees attain at the end of their training period/placements?

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

2865 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the trainees receive familiarisation with administrative procedures whilst deployed to the Department of Education. Their training will last until the company that employs them requires them to be deployed elsewhere.

2870 Training is provided on the job. No accredited qualifications as such will be issued at the end of the training period.

2875 **Teachers**  
**Process for handling underperformance**

**Clerk:** Question 990, the Hon. Mrs I M Ellul-Hammond.

2880 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise how the Department of Education streamlines the process for handling teachers who underperform or are inadequate?

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

2885 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the underperformance of teachers is addressed by using a staged approach going from the informal to the formal. The informal stage is addressed at an internal school level and will be directed by the school's senior management who will identify areas for development. If required, the headteacher will invoke a more formal stage in conjunction with the Department of Education's Advisory Service, who will provide support and mentoring for the teacher in question, examine all of the factors and circumstances of the case, including the teacher's expertise, experience and appropriateness of the present placement.

2890  
2895 If this process does not result in improvement, then the case is reviewed by the Director of Education and the advice of the Government's Human Resources Department will be sought. The GTA would be consulted at all stages.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, would the Minister consider the setting up of an independent unit like Ofsted, to provide assessment to monitor progress and to offer support?

2900 **Hon. G H Licudi:** Mr Speaker, as the hon. Lady will know, from a recent television programme in which we both appeared, one of the issues we are considering is the whole issue of school inspections. That is a matter that is actively being considered and discussed and we are not at the stage where we are in a position to announce where that will take us. If the school is inspected, then all these procedures will be looked at by the independent inspector – it would be an independent inspector, not an internal inspection – and this is an area which would be included in the whole area of procedures for such an inspection.

2905  
2910 **Mr Speaker:** Any other questions?

Well, I think this is a convenient moment to recess until 3.00 p.m. this afternoon, when we shall be dealing with Questions addressed to the Chief Minister.

*The House recessed at 12.40 p.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.45 p.m.

Gibraltar, Thursday, 15th November 2012

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

### SUSPENSION OF STANDING ORDERS

5

**Standing Order 7(1) suspended  
to proceed with Emergency Statement**

10 **Clerk:** Suspension of Standing Orders, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with an Emergency Statement.

15 **Mr Speaker:** Those in favour. (**Members:** Aye.) Those against. Carried.

### EMERGENCY STATEMENT

20

**British Gibraltar territorial waters  
Incursions by Spanish naval and customs vessels  
Emergency Statement by Hon. Chief Minister**

25 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the House will want to know that today Simon Fraser, the Permanent Under-Secretary of the Foreign and Commonwealth Office summoned the Spanish Ambassador to the United Kingdom, His Excellency Federico Trillo, in order to underline the British Government's concerns regarding recent incursions into British Gibraltar Territorial Waters.

30 A statement has been made by the Foreign Office in London setting out what the Ambassador was told in no uncertain terms by the Permanent Under-Secretary. The statement reflects a quote from the Rt Hon. David Lidington MP, the Minister for Europe, who states:

35 'The UK has repeatedly made diplomatic protests to Spain over attempts by Spanish state authorities to exercise jurisdiction in British Gibraltar Territorial Waters. Yet on 13 November there were two further serious incursions. A large Spanish naval ship conducted a prominent patrol through British Gibraltar Territorial Waters lasting several hours. Later on the same day a Spanish customs vessel sought to apprehend a Gibraltarian civilian boat in British Gibraltar Territorial Waters, forcing the Royal Gibraltar Police to intervene in order to safeguard the welfare of the four occupants.'

40 Mr Lidington says:

45 'I condemn these provocative incursions and urge the Spanish Government to ensure that they are not repeated. We believe that it is in the interests of Spain, as well as Gibraltar and Britain, to avoid any incident that may damage the prospects of developing a harmonious and collaborative relationship between Gibraltar and Spain. It is also in all parties' interests to avoid incidents which could put at risk the safety of those operating in British Gibraltar Territorial Waters. We remain confident of UK sovereignty over British Gibraltar Territorial Waters and fully committed to protecting the interests of the people of Gibraltar and their wish to remain under British sovereignty.'

50 Mr Speaker, Her Majesty's Government of Gibraltar considers that calling in Mr Trillo reflects the seriousness of these attempts by agents of the Spanish state to exercise jurisdiction in what are *indisputably* British Gibraltar Territorial Waters. (A Member: Hear, hear.) It is appropriate that the diplomatic response to these belligerent acts should have been upscaled as it has. It is equally important for Gibraltar, as much as it is for the credibility of British diplomacy, that these diplomatic steps should

55 be backed up by actions designed to usurp the indisputable British sovereignty of the waters in question. There will therefore, no doubt, be unanimity across the floor of this House in the call for the Ministry of Defence to be able to deploy in Gibraltar as soon as possible the assets necessary to ensure the defence of these waters against the armed vessels and agents of the Spanish state. Throughout the past days, as previously when two Gibraltarian fishermen in Gibraltar Waters were illegally detained and transferred to a Spanish port, the Deputy Chief Minister and I have been in contact with the Minister for Europe and His Excellency the Governor and members of the Foreign Office staff in London and Gibraltar.

60 It is important that the House and the public should know that all have been *hugely* supportive of Gibraltar, not just in their attitude but in their actions, leading to the public call of the Spanish Ambassador today. It is just as important that their support for Gibraltar now be followed up by those with whom responsibility lies for the deployment of the assets necessary to ensure the perimeter of our nation is safe and secure and not susceptible to the illegal activities we have recently been witnesses to. Insofar as these state agents of the Kingdom of Spain are attempting to take executive action in our waters, the fact is that they are not only in breach of international laws, but also of Gibraltar laws.

65 The House knows and will welcome that one of the larger vessels being acquired for the Royal Gibraltar Police will soon be arriving at our shores. Our Police will therefore finally have the resources to be able to deal with such acts of criminality, as well as any other.

70 Finally, Mr Speaker, I want to add, and I am sure that the whole House will want to thank the officers of the Royal Gibraltar Police for the work that they do in these very difficult circumstances. The House will also want to recognise the work being done by members of the Gibraltar Defence Police and the naval ratings aboard the Royal Navy patrol boats presently stationed in Gibraltar, as well as the individuals up at Windmill Hill and the Port Department that help us reflect that these actions are occurring within what are co-ordinates of British Gibraltar Territorial Waters.

75 The time to back up their work with the necessary assets is now. Gibraltar has taken the steps necessary; others must also do likewise. (*Applause*)

80 **Clerk:** Answers to –

**Hon. P R Caruana:** Yes, Mr Speaker, I rise to support and endorse the Hon. the Chief Minister's remarks in welcoming the upgrading of the diplomatic reaction of the British Government by calling in the Ambassador and presumably communicating to the Ambassador in strident terms the same robust message that UK Ministers have been giving us over the last few months.

85 I also wish to join and add the Members of this side of the House to the congratulations to the RGP and other law enforcement agents in Gibraltar and also the GDP that assists in generally dealing with this provocative behaviour.

90 Particularly, I think the RGP is to be congratulated for its rapid and courageous intervention on Tuesday afternoon in risking an unforeseeable Spanish reaction by actually *boarding* the boat that they were about to unlawfully arrest and cutting it loose from the Spanish Customs boat. I think that those are noteworthy acts of courage that deserve the praise and recognition of this House.

95 This House will wish to note and record the fact, I am certain, that welcome as the upgrading of the diplomatic representations are in the form of summoning the Spanish Ambassador into the Foreign Office, it cannot be the end of the line should these unacceptable incursions persist.

100 There are incursions of two types: simple presence in our waters, which are serious enough; and then of the sort we saw on Tuesday where they actually tried to carry out executive action, which is a wholly different type of incursion, namely *usurping* the actual powers and authorities that are the manifestations of sovereignty, law enforcement, judicial etc. That is wholly unacceptable and I can but express the view from the Opposition Benches that I used to express from the Government Benches, when I occupied the job now done by my hon. Friend across the floor, and that is that whilst the Opposition does not believe that a recourse to *physical* engagement on the waters is in anybody's interests, nevertheless the deployment by the Royal Navy of more senior, larger, permanent assets on the water will serve to act as a deterrent to Spain from engaging in these incursions in the first place. Therefore, we support for deterrent purposes the deployment by the UK of the Navy in vessels that can more effectively serve as a visible and effective, if I can repeat the word, 'deterrent'. We will see.

105 We have to balance the desire that I am sure we all have in Gibraltar for peaceful co-existence with our neighbours, upon which everybody's quality of life depends on the one hand, with upholding our vital sovereignty interests on the other, and that peace and stability cannot be purchased by turning a blind eye to the most outrageous and damaging usurpation and therefore damage and violation to our sovereignty.

110 So therefore, whilst Spain persists in these unlawful and politically unacceptable acts, the Government will stand... the Opposition rather – old habits die hard – will stand shoulder to shoulder with the Government in the Gibraltar position that these things must stop, without losing sight of the fact that it is the United Kingdom and not the Gibraltar Government or any Gibraltar agency that is responsible for defending and upholding Her Majesty the Queen's sovereignty of British Gibraltar Territorial Waters and that they are *legal* obligations as set out in the Constitution of Gibraltar, which is a piece of United Kingdom law that binds the UK as much as it does the Government of Gibraltar.

115 I am grateful to the hon. Member for bringing this news to the House. I think it is welcome, as indeed is welcome the news that broke, I think at the tail end of last week, that the Petitions Committee of Parliament in Europe had thrown out the ex-Mayor of La Línea's petition in relation to the waters and the East Side reclamation. (*Applause*)

## 125 Questions for Oral Answer

### TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

#### 130 Queensway Quay car park Solar powered lamps; payment of costs

**Clerk:** Answers to questions continue.  
135 Question 977/2012, the Hon. D J Bossino.

**Hon. D J Bossino:** Following Question 890/2012, is the Government now in a position to advise this House whether the payment of £41,242.44 made in respect of the setting-up costs of the solar powered lamps at the Queensway Quay Car Park was made by the Government?

140 **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 cost of the lamps and the installation has been included within valuation payments made for works carried out on the first phase of the car park. The issue of who will be responsible for the cost of the car park is presently the subject of negotiation.

150 **Hon. D J Bossino:** Mr Speaker, that is precisely one of the issues which vexed us at the last sitting of the House. I think the Chief Minister was not sure and was going to be providing information the following day; but for whatever reason he did not, and there was uncertainty as to whether the payment of the £41,000-odd had in fact come out from Government coffers. The point being that if it had, then we were entitled to scrutinise the Government further in relation to that payment and if it had not, then presumably the matter would remain there. I think that was the issue.

155 I can refer the Hon. the Chief Minister to the particular points in *Hansard*, where he said that he was going to revert to us and get back to us the following day in relation to whether the payment had in fact been made from the public purse.

**Chief Minister (Hon. F R Picardo):** Sorry, Mr Speaker, I thought I had said that we were going to provide the information in this House, but it may be that we said the following day.

160 As far as I understand it, the payment has been made by the owners of the site and the issue is whether that will be included in any amount paid by the Government or not, and that is still to be negotiated.

**Hon. D J Bossino:** Given that, Mr Speaker, he starts the answer with ‘as far as I understand it’, presumably there is no certainty as yet. Is that correct?

165 **Hon. P R Caruana:** [*Inaudible*] You must be certain –

**Hon. Chief Minister:** No, the certainty is that the Government has been *invoiced* for it, but there is no certainty that the Government has paid it because any payments that have been made do not relate, in my view, to that particular expense. The whole expense of that car park, which involves a lot more than has yet been invoiced, is still a matter that is being negotiated. There are issues as to premium there and on other sites in respect of that consortium.

175 **Hon. D J Bossino:** Mr Speaker, I am not sure, the Hon. the Chief Minister may recall, but there was another sort of line of questioning which I was posing as to whether there was Government involvement in respect of the choosing of the corporate entity that would have provided the solar lamps. I think he was also going to check that and revert to me in relation to that. Is he able to enlighten the House in relation to that?

180 **Hon. Chief Minister:** I am able to enlighten the House in that respect. The lamps were not chosen by the Government; they were chosen by the party that own the land.

**Hon. D J Bossino:** That own the land.

185 **Hon. Chief Minister:** That own the land.

**Hon. D J Bossino:** More than the structure themselves, what I was concerned about is to which company the contracts had been given and presumably the answer is in the same vein, is it?

190 **Hon. Chief Minister:** Not a company to which the Government gave any contract. The Government has seen this land developed as a car park. That development has been dealt with by the parties that own the land and they have determined who does the work, whether it is the asphaltting, the painting of lines or the installation of lamp posts.

195

## CHIEF MINISTER

### Chief Minister’s official car Details of use

200

**Clerk:** Question 991, the Hon. S M Figueras.

**Hon. S M Figueras:** Yes, good afternoon, Mr Speaker.

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Can the Chief Minister say whether the Government is willing to publish details of the use of the Chief Minister’s official car, registration plate G1 and provide details to this House in respect of same?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker I can confirm that the Chief Minister’s official car, the G1, continues to be used for exactly the same purpose as by all previous Chief Ministers. I am advised that publishing any such details would create serious issues of security.



**Referendum on the 2006 Constitution  
Act of self-determination**

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**Clerk:** Question 992, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, does the Chief Minister accept the United Kingdom's publicly expressed position that the referendum on the 2006 Constitution constituted an act of self-determination?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, my position remains exactly as set out in paragraph 8 of the Motion unanimously passed by this House on 30th October 2006 which I had the pleasure to support.

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**Hon. D A Feetham:** So I take it that the position is that you do agree with the United Kingdom's position that the referendum on the Constitution was an act of self-determination?

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**Hon. Chief Minister:** Mr Speaker, I agree as set out in paragraph 8 of the Motion as follows: that subject to the final paragraph of paragraph 7, the House noted and welcomed the statements made by the British Government publicly in Gibraltar in the House of Commons on 4th July 2006 and in the United Nations on 5th October 2006, that the referendum, being the referendum to which that Motion related, in which the draft new Constitution was put to the people of Gibraltar for their decision, will be an exercise of the right of self-determination by the people of Gibraltar in the context set out in those statements.

That is the end of the paragraph. Mr Speaker, I know he was not in the House then, but that is what all of us who were here then supported.

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**Hon. D A Feetham:** Yes, but the reason why I have asked this question is because it struck me as very curious use of language, which I thought perhaps could not be coincidental, when he actually referred to, before the United Nations, that it is the UK's view that the referendum on the Constitution constituted an act of self-determination. He appears to be drawing the same distinction there. In other words, on the one hand it is the UK's view and you welcomed the UK's view, but I am not asking whether you welcome the UK's view or about the UK's view; I am asking whether you *agree* that it was an act of self-determination. That is the question, really. It requires no more than a yes or a no, if it is one or the other.

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**Hon. Chief Minister:** Well, Mr Speaker, it might, but I am not going to answer in the terms that the hon. Gentleman wishes me to answer; I am going to answer in the terms that I think are appropriate. *(Laughter)* There is a lot of law here. *(Interjections)* **(Mr Speaker: Order! Order!)**

255

The hon. Gentleman may not know enough about self-determination to know that there is a lot of doctrine in international law that deals with when an act of self-determination is occurring and what are the pre-requisites of that and he may have forgotten enough of the issues which are relevant in Gibraltar to know that, at the time of that referendum, whilst in the House of Commons, these statements were made which were very clear and unequivocal, there were also some comments made outside the House of Commons with which all Members of this House were not so happy and which might have suggested that the exercise of the right of self-determination by the people of Gibraltar were somehow curtailed by the Treaty of Utrecht.

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I am delighted by the statements that Mr Hoon made in Parliament in relation to these matters and those are, in my view, the statements that matter the most, but there were other statements made by Mr Hoon at the time, which called into question exactly what rights the people of Gibraltar enjoy and I am sure that there is unanimity across the floor of this House that the people of Gibraltar enjoy an *unfettered* right of self-determination.

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**Hon. D A Feetham:** Again, I am not asking about whether the people of Gibraltar enjoy an unfettered right to self-determination. I accept that in fact the UK, whilst recognising that the referendum on the new Constitution was an act of self-determination, may say that the right of self-determination of the people of Gibraltar is constrained by the Treaty of Utrecht and therefore independence is out of the question. I understand all that. That is not the question. What I am asking is whether the Government accepts that the referendum – the act of the people of Gibraltar adopting and agreeing to the new Constitution – was an act of self-determination. It is a very simple question.

I am not going to ask it again, save to sit down and invite the Hon. the Chief Minister to answer it.

275

**Hon. Chief Minister:** Thank you very much, Mr Speaker.

I am grateful to the hon. Gentleman saying that he is not going to repeat the same question for a third time. I refer him to my original answer and to paragraph 8 of the Motion approved unanimously by this House.

280

**Hon. P R Caruana:** Mr Speaker, the Hon. the Chief Minister prefixed his last but one answer to my hon. Colleague here by saying he may not know enough about self-determination. Assuming that means that he does, knowing what he knows about international definitions of self-determination, can he then say whether in accordance with what he knows about self-determination, the referendum was ‘an act’? The question is very specifically phrased not to be a political trap. We are not saying it is *the* act; we are not saying it is the definitive act; we are not saying it is the act of self-determination that delivers de-colonisation or any particular form of de-colonisation. The question is whether the referendum is *an act* of self-determination.

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Even if the Hon. the Chief Minister is wanting – for reasons that I do not understand – but even if he were wanting to be cagey about not wanting to be drawn on that question, it is not the question he is being drawn on. The question is whether a referendum, convened by the Government of Gibraltar, in which it asks the people of Gibraltar ‘Do you support, do you want this Constitution, yes or no?’, whether that is an act of self-determination.

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The question is not as deep and as wide as he may have assumed it was at the time that he put together the answer that he did.

**Hon. Chief Minister:** Mr Speaker, I am grateful I should not have assumed that the question had depth or width of knowledge, then.

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Well, Mr Speaker, put it this way: what he and I know about the international doctrine of self-determination is that for an act of self-determination to be in keeping with the United Nations doctrine on de-colonisation, all relevant options have to be put to the people of the territory that are being asked, to determine in a referendum which choice they make.

305

I do not want to say anything in this House which in any way damages the position of Gibraltar and therefore I will limit myself to say that the referendum in 2006 asked people whether they wished to adopt a Constitution or not; the referendum in 2002 asked people whether they wished to proceed down the road of considering joint sovereignty; and the referendum in 1967 asked people whether they wished to remain British or not.

310

By the hon. Gentleman’s definition that each of those is an act of self-determination (*Interjection by Hon. P R Caruana*) by the definition of the United Nations on what constitutes an act of self-determination, which can lead to de-colonisation, it is very likely that the definition of self-determination is not made out by the referendum of 2006.

The hon. Gentleman will know that there was an issue as to legal advice then from an Attorney General, as to whether even some Gibraltar referenda might or might not be binding.

315

So, Mr Speaker, I do not believe this is a question that is susceptible or wise to answer with yes or no, because there is a lot more depth to it than might be appreciated.

320

#### **Constitutional development Chief Minister’s vision**

**Clerk:** Question 993, the Hon. D A Feetham.

325

**Hon. D A Feetham:** Mr Speaker, what further devolution, if any, did the Chief Minister envisage when he said in an interview with *Canal Sur* that Gibraltar can take further steps down the road of constitutional development?

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

330

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I did not envisage any particular model when I replied to the question.

335

**Hon. D A Feetham:** Well, there must be some model that he had in mind, when he made the statement. It may well be that he had a number of models in mind. Is he in a position to at the very least enlighten the House in relation to that?

340 **Hon. Chief Minister:** Mr Speaker, once again, I can enlighten the House as to what the very many options available might be. One of them, for example, Mr Speaker, is the result of the Select Committee on Constitutional Reform of the House of Assembly, as this House then was, dated 2002, which in a report set out what this House believed the new Constitution to be negotiated with the United Kingdom should be, which was not exactly what came back from London, when the team returned with the Constitution that we have today.

345 So this model, Mr Speaker, signed by those who were members of that Committee, is one such status and there are many others. I do not want to stand here and give the hon. Gentleman a tutorial in international law.

**Hon. D A Feetham:** I did not think the hon. Gentleman is in a position *ever* to give me a tutorial on any aspect of the law.

350 Does the Chief Minister think that there is an inconsistency with the statement that he gave to *Canal Sur* in the statements that he has made in the past, and indeed to this House? I will just read the statements he has made, for the benefit of the Chief Minister. On 19th January 2012 in this House, he said this, on page 3 of the Report in *Hansard*, line 110:

355 'The important thing is that we believe'

– in other words you, the Government –

'that we have achieved the maximum possible level of self-government...'

360 – end quote. He then drew the distinction between that and delisting, which I agree is a separate issue. He then said in an interview with *La Razon* – and I am quoting the translation that the Government itself provided of that interview – he then said this:

365 'Gibraltar has achieved in its Constitution a self-government which is very close to independence whilst we remain under the British Crown. Since 2006 the internal battle has been for the United Nation to recognise that Constitution.'

Now does he not accept that there is an inconsistency between the statements that he gave to *Canal Sur* and those statements that I have just read to the Chief Minister?

370 May I also ask him this – can he deal with this supplementary as well: is his new position – because I do believe it is a new position – as expressed to *Canal Sur*, a reaction to our statement that the Government appear to be converging with the Opposition's view in this area?

**Hon. Chief Minister:** Well, Mr Speaker, first supplementary no, second supplementary no, for this reason.

375 Let me start by saying this Mr Speaker. There are some universities that have very high entrance grades and requirements. If I had a university, it would have such high grades and he would never get the chance to be tutored in law by me, as a result!

380 Mr Speaker, the hon. Gentleman has spent the past six months, I assume, in an attempt to try and ingratiate himself with those in Gibraltar who have never been able to identify with his party, trying to pretend that he can represent Nationalists and those who are not Nationalists at the same time. I think that he felt – and I am not imputing any motive; I am just giving him my thoughts as to what I thought he felt – when he saw Casemates brimming full of proud Gibraltarians, that he needed to do everything possible to ensure that if he ever becomes the Leader of the GSD – and we know what chances deputies in the GSD ever have of becoming Leaders of that Party – that he should be able to sit on that stage and see the crowds of people before him.

385 He is therefore, Mr Speaker, trying to achieve that which he accuses me of: namely, he is trying to converge with us. Our position, Mr Speaker, has been consistent and clear for many years. The GSLP's position, under the leadership of Mr Bossano and under my leadership now has been consistent and clear, and the position of the Liberal Party with us in coalition has been consistent and clear.

390 I believe, Mr Speaker, that of all people in this House, the last one to get up and give lessons in consistency is the Hon. Mr Feetham.

**Hon. D A Feetham:** Mr Speaker, I am afraid that his position is as clear as mud, with respect to the Hon. the Chief Minister, as to the university that I attended. It is the same university that our senior partner from our firm, Mr Levy attended, Manchester University.

395 Mr Speaker, he also, in an interview with GBC – if he requires notice of the question, I will provide it next time round – he said – which was after we had come out with a press release saying that their

position appeared to be converging with ours – that there was ‘an opportunity for further slicing of the salami in constitutional terms’.

400 Can he tell us what he meant by ‘further slicing of salami in constitutional terms’, because certainly on this side of the House we are interested in real progress for the people of Gibraltar’ not the exercise of self-determination to slice salami?

405 **Hon. Chief Minister:** Well, Mr Speaker, they did very well when they let James Levy in, but I do not know what they were thinking when they let him in.

Mr Speaker, there are clearly many statuses between where we are today and independence. This was the issue that, in a clearly co-ordinated step between him and Mr Xiberras who lives beyond our shores and perhaps one other individual, they were trying to corral into different articles in different places in the past few weeks.

410 How is it that he does not know that there can be many different shades of political status between where we are and independence? There are *thousands* of possible permutations, each of them a step forward for the people of Gibraltar. Indeed, Mr Speaker, I have no hesitation in saying that no sooner was the ink dry on the existing Constitution than one of the things that his present Leader, then Chief Minister was accused of doing, was trying to take the Constitution further by what is not written in the Constitution – and quite right that he should have done that too, and hasn’t every Chief Minister under every Constitution always tried to go further?

415 If there is any nuance in any Constitution, Mr Speaker, in our view, it must be resolved in favour of the people, in this case the people of Gibraltar. I think the position is *crystal clear*. There are thousands of potential steps forward, different permutations of how the Royal Prerogative is exercised.

420 Mr Speaker, it is so clear that I think it would be impossible for me to sit down and give him every possible permutation which would make up the slices that I mentioned in that salami. There is just too much and in legal theory, it is sometimes impossible to cover every possible permutation. Would some of those permutations be in the interests of the people of Gibraltar? Of course they would. Would some be not in the interests of the people of Gibraltar? Well, they might not be or we might disagree as to whether they are or whether they are not. But this is not a place to debate legal theory, Mr Speaker. This is a place for information to be provided to the Opposition.

425 If they want to debate with me what are the possible next steps for Gibraltar constitutionally, let them bring a Motion and let us have the debate.

430 **Hon. D A Feetham:** But does the Hon. Chief Minister not accept – and he thinks that I am trying to catch him out but I am not, I am *genuinely* trying to see whether it is possible... and we were genuine when we came out with the press release welcoming what we felt was a change of position. We are trying to establish whether it is possible to have common ground and unity across the floor on this particular issue. Now, does he not accept that there is a distinction between saying on the one hand, as he did in *Canal Sur*, that there is potential for further constitutional models – by which any reasonable person would understand, what by constitutional models, you are dealing with, either free association or independence or something else – and slicing of salami in constitutional terms, which I understand as tweaking the Constitution, for example, trying to claw back some of the residual powers that the UK Government has in constitutional terms. I am just trying to get to the bottom of what is Government policy? Is Government policy the salami or is Government policy looking for a new model, by which I understand, a new model to mean, a new status from what we have today?

445 **Hon. Chief Minister:** Mr Speaker look, the hon. Gentleman – I am going to forgive him – just obviously does not understand. He does not understand these issues and, therefore, he does not see that there cannot be a conflict between those two positions that he has put. But of course, I do not accept anything that he has said, even the quotes that he attributes to them, unless I read them myself and he has not seen fit to give me the material and I have not had the opportunity to research it.

450 So just based on the premise that he puts and assuming that he is actually reading the quotes that are there, I do not accept that there is conflict. If he cannot see the way out of that dead end that he has got himself into by saying there is a conflict, then look, he is either not wanting to understand it or not understanding it.

455 But Mr Speaker, I have to address the premise of the question. If he wants common ground and unity in the interests of Gibraltar, all he needs to do is pick up the phone and let us have a chat about it. Let us write to each other about it, but let us not debate it across the floor of the House, because Mr Speaker, anybody who says, ‘I am trying to find common ground in the interests of Gibraltar’ and does it across a parliamentary floor is not really interested in doing anything other than scoring political points and pretending that he is the man for unity, when in fact, all he is trying to do is to shimmy his way into the political ground that, by being in that political party, he has lost.

460 Mr Speaker, there is a huge advantage to be gained by Gibraltar having, on the important political issues, real unity between its political leaders. If he ever becomes one of our political leaders, I will open the door to him to have the debate or pick up the phone from him to have the discussion; but if he is serious about it, he would not do it across the floor of the House. This is just a cheap attempt to score political points with those that he thinks he needs to impress.

465 If he wants to do that, my view is that he should do it by way of Motion, not by way of a pretend question.

470 **Potential investors to Gibraltar  
Details**

**Clerk:** Question 994, the Hon. D A Feetham.

475 **Hon. D A Feetham:** Is the Chief Minister in a position to provide details of the potential investors to Gibraltar which he said prior to the Election he was in discussions with, together with the investment they will be making, bearing in mind that in answer to Question 81/2012, he said that those discussions had already borne fruit?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the answer remains as set out in answer to Question 81/2012.

485 **Hon. D A Feetham:** Is there any particular reason why, having said to me earlier on this year – in fact I think it was the beginning of this year – Question 81 must have been January, latest February – that those discussions had borne fruit, that he is not in a position to provide some further information to this House about those investors?

490 **Hon. Chief Minister:** Well, Mr Speaker, because although they may have borne fruit and discussions may be ongoing, it is not yet appropriate for the Government to make a public statement. I also told him that we would make a public statement when the time came.

495 **Census Act (2012 Census) Order 2012  
Constitutionality**

**Clerk:** Question 995, the Hon. D A Feetham.

500 **Hon. D A Feetham:** Did the Chief Minister obtain advice as to whether the Census Act (2012 Census) Order 2012 was constitutional before enacting it?

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

505 **Chief Minister (Hon. F R Picardo):** Mr Speaker, indeed, I sought advice on the constitutionality of the Census Act (2012 Census) Order 2012 and was advised that the Order was constitutional.

The 2012 Order only differs from the 2001 Order in that certain further particulars are to be stated in the returns. The Member seems to be concerned in particular about the new questions being asked on a person's health and that these may infringe a person's right to privacy contrary to sections 1 and 7 of the Constitution.

510 I say that, Mr Speaker, because in a statement issued by the hon. Member, he explained that this was why he was asking the question.

The Member should note, first of all, that virtually every question and not just those on health asked in the Census may constitute an interference with a person's right to privacy. It is the very purpose of the Census to ask 'intrusive' questions of such nature.

515 Unsurprisingly, therefore, the matter has come before the European Commission of Human Rights in complaints filed under Article 8 of the European Convention of Human Rights. Strasbourg has ruled that:

520 'where the information gathered by the means of a census is treated with care and confidentiality, the interference thereby occasioned with the applicant's rights to respect for his private and family life is necessary in a democratic society.'

**Mr Speaker:** Next question.

525

**Civil Service jobs  
Details of AA grade vacancies**

**Clerk:** Question 996, the Hon. D A Feetham.

530

**Hon. D A Feetham:** Can the Government please state out of the 40 AA vacancies advertised in the Civil Service (a) how many have been employed in that grade; (b) of those employed in that grade, how many were on the unemployment list and for how long and/or employed by Employment Training Company Limited under the Future Job Strategy scheme?

535

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the position remains as stated in my answer to Question 852/2012. The selection process has not yet been finalised.

540

**Hon. D A Feetham:** Yes, in answer to that particular question, the Hon. the Chief Minister said 40 vacancies had been advertised, one new AA vacancy has been created within the Civil Service. Is that because the other 39 have been created within the GDC? Is that the position?

545

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman's question is just completely out of the ball park. How can Civil Service vacancies be for the GDC? These vacancies are for the Civil Service.

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**Hon. D A Feetham:** Absolutely, look, the Hon. the Chief Minister... I have been very, very patient this afternoon. He seems to think, he seems to take offence to me standing on my feet and asking him a question. I am going to be here for a very long time (**Hon. Chief Minister:** Absolutely!) (*Interjections*) and he had better get used to answering questions! (**A Member:** Hear, hear!) (*Interjections*)

**Mr Speaker:** Order! Order!

555

**Hon. P R Caruana:** Three years is a very long time!

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**Hon. D A Feetham:** The answer that he gave me was 40 vacancies had been advertised, one new AA vacancy had been created within the Civil Service. My understanding of the position was that the grade AA has been created... is a grade that has actually been revived by this Government, hence why I have interpreted the answer in this particular way.

If the answer is no, all 40 have been created within the Civil Service, that is the answer. It is just that the answer that he gave me last time was actually quite confusing.

565

**Hon. Chief Minister:** Mr Speaker, I will pass that on to the Head of the Civil Service.

Mr Speaker, if it is of any assistance, for however long he may be there – and I trust it will be very long indeed and after many elections – I can tell him that by the next Parliament, I will have more information about those vacancies, if he wishes to ask again.

570

**Hon. D A Feetham:** Am I right that all 40 vacancies have therefore been created within the Civil Service? Is this the revival of the AA grade, with all those 40 vacancies being created within the Civil Service? Why did he, on the last occasion, say one new AA vacancy has been created in the Civil Service? This is what I do not understand.

575

**Hon. Chief Minister:** Mr Speaker, because there are other posts that AAs fill, Mr Speaker, and there are vacant AO posts that may be filled by some people who hold AA or equivalent vacancies today in the Civil Service, Mr Speaker. It may have been that no AAs have been recruited for some time, that the entry grade was not AA for some time, but there were still people within the Service who were at AA or equivalent grades. I am assured that that is the position, Mr Speaker.

580

**Hon. D A Feetham:** Well no, Mr Speaker, there were no AA grades; it was AO. We abolished the AA grade.

Now unless, of course, the Government... The answer has been written obviously by a civil servant: the Chief Minister does not understand the answer that has been written by a civil servant. It has two

585 interpretations: either they have created an AA grade and all 40 vacancies are within the Civil Service; or alternatively, as he appears to indicate, one of them was in the Civil Service, 39 were in the GDC, because... Indeed there is another question in the Order Paper about this, I do not know what the answer is going to be, but the answer could be that, in fact, there is going to be an attempt by the Government or a policy of the Government of actually equalising the grades between the GDC and the Civil Service. Therefore the AAs – those other 39 – are within the GDC, hence why I have asked him.

590 What I would like to know is what the position is.

**Hon. Chief Minister:** Mr Speaker, it is not that I do not understand the answer; it is that apparently the hon. Member cannot read and understand what has been given to him, even when he reads it for a month in *Hansard*. One new AA vacancy has been created. It could not be clearer, Mr Speaker. The position is very clear. *(Interjection by Hon. D A Feetham)* Mr Speaker, there are, whether the hon. Gentleman likes it or not – and he needs to listen to what I say and not hear what he wants to hear – AA equivalent grades still in the Government. There are people who are holding those posts, like word processor typists. Mr Speaker, therefore some of them may fill up other grades of employment in the Service and people who are recruited now fill those grades at the equivalent of AA.

600 Mr Speaker, I have tried to be helpful by saying that there will be more information available in the next Parliament, which is what I am told by the Head of the Civil Service. If he is genuinely interested in the information, if he asks then – sorry?

**Hon. P R Caruana:** The next Parliament, so the next meeting?

605 **Hon. Chief Minister:** The next meeting of Parliament, yes. I know before there used to be very few meetings of Parliament, but by the next meeting of Parliament, which is in the next month, it will be available.

610 **Hon. D A Feetham:** So the answer is, so that I understand it, that when I asked about the AA grades, and indeed there were no AA grades in the GSD Government, *(Interjection)* what you are saying is that there were typists or other people occupying certain posts that were the equivalent of the old AA grade, because they were not AOs, and when you answered last time round, 40 vacancies had been advertised, one new AA vacancy has been created within the Civil Service, what you are telling me is that you are treating those posts as if they were AA. Is that what you are saying?

615 **Hon. Chief Minister:** Mr Speaker, what I am saying is what I have said. I am not going to... This is not about me getting up and saying the same things all over again in the way that the hon. Gentleman may find more appropriate. I think I have been as clear as crystal, he will think the opposite and Question Time is about eliciting information. I have given him the information that I have and I have told him I will have more information at the next meeting of this Parliament.

**Mr Speaker:** Next question.

625

**Public debt**  
**Details as at 30th September and 31st October 2012**

630 **Clerk:** Question 997, the Hon. P R Caruana. *(Interjections and laughter)*

**Hon. P R Caruana:** I have been waiting here patiently for a while now.

Now, Mr Speaker, will the Chief Minister say what was (i) the gross public debt; (ii) the cash reserves; and (iii) the net public debt at each of 30th September and 31st October 2012?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 998 and 1000.

640 **Clerk:** Question 998.

**Hon. P R Caruana:** Mr Speaker, will the Chief Minister give a breakdown, by bank and amount, of that part of the aggregate public debt which comprises bank debt, as at each at each of 30th September and 31st October 2012?

645

**Clerk:** Question 1000.

**Hon. P R Caruana:** Yes, Mr Speaker, will the Chief Minister give a breakdown, by debenture issue, of that part of the aggregate debt which comprises Government debentures, as at each of 30th September and 31st October 2012?

650

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

**Hon. Chief Minister:** Mr Speaker, I will now hand the hon. Member a statement with the information requested.

655

**Answer to Question 997/2012**

Figures for October 2012 are not yet finalised by Treasury. The gross public debt, cash reserves and net public debt position for September was as follows:

	30-Sep-12
	£'M
Gross Public Debt	487.69
Cash Reserves (tentative)	197.14
Net Public Debt (tentative)	<u>290.55</u>

**Answer to Question 998/2012**

The aggregate public debt position which comprises bank debt was as follows:

Bank Loan Revolving Facilities:	30-Sep-12	31-Oct-12
	£'M	£'M
Barclays Bank	150.00	150.00
Natwest Bank	50.00	50.00
	<u>200.00</u>	<u>200.00</u>

**Answer to Question 1000/2012**

The aggregate public debt position which comprises Government debentures was as follows:

**Government of Gibraltar Debentures**

Summary of the Public Debt as at :	30-Sep-2012	31-Oct-2012
Pensioners' Monthly Income Debentures (3.5%)	£46,785,700	£46,631,700
Monthly Income Debentures (2%)	£7,180,700	£7,046,800
Special Issue of Monthly Income Debentures 2008 (3.5%)	£47,424,200	£47,145,700
Limited Issue of 3-Year Fixed Monthly Income Debentures (31/12/2012)(4%)	£32,988,900	£32,985,900
Limited Issue of Fixed Monthly Income Debentures (31/12/2013) (4%)	£15,058,000	£15,058,000
Limited Issue of Fixed Monthly Income Debentures (31/12/2015) (5%)	£70,006,600	£70,001,600
Limited Issue of Fixed Monthly Income Debentures (28/02/2017)(5%)	£68,246,800	£68,246,800
<b>Total of the Public Debt comprised of Government Debentures :</b>	<b><u>£287,690,900</u></b>	<b><u>£287,116,500</u></b>

**Hon. P R Caruana:** Ah, the figures for October are not yet final. Mr Speaker, can the hon. Member offer an explanation why the Government is not able to say, 16 days after the date that I have asked for, what the gross public debt in the cash reserves are?

660

**Hon. Chief Minister:** Well, Mr Speaker, because the Treasury does not yet have the information to give. It is not a figure that we have ever resisted providing, neither did he, I think, so it is a Treasury –

665

**Hon. P R Caruana:** But it is unusual, 16 days. Normally you can.

**Hon. Chief Minister:** Fourteen days, isn't it? (*Interjection by Hon. J J Bossano*) The hon. Gentleman may know that the Financial Secretary has been away: I do not know whether that might be one of the issues.

670



675 **Hon. P R Caruana:** Mr Speaker, can the hon. Member say, given that he is aware from the General Election campaign and subsequent exchanges that, in our view, the real measure of indebtedness is the net public debt. The gross public debt can be reduced simply by transferring cash from the cash reserves and paying it back to the lenders and indeed, when the Government was issuing debentures in its own name, the gross public debt would rise every time somebody went in and bought a debenture from the Government.

680 So it is really the net public debt that measures the uncovered debt liability of the Government. Can the hon. Member say in respect of the net public debt, therefore, whether the Government has any target for its reduction or is its target limited as he has said in the past...? Well, I will restructure that question to make sure it is not leading.

685 We know that there is a target in the manifesto for the reduction of the gross public debt. Does the Government have a target for the reduction of the net public debt during this term of office or in any period within it?

**Hon. Chief Minister:** Mr Speaker, I think we have dealt with this issue before. In fact, I think we dealt with it just after the General Election in the *Hansards* for January and February, when we had some debates on this issue.

690 Mr Speaker, our position has been that both need to be reduced.

**Hon. P R Caruana:** Yes, but you have a target?

**Hon. Chief Minister:** We have not given a figure. That is the debate we have had before.

695 **Hon. P R Caruana:** I am asking now whether you have a target.

**Hon. Chief Minister:** No, Mr Speaker, not a cash figure.

700 **Hon. P R Caruana:** Given that I was never able to persuade the hon. Member that affordability of debt was a product of its percentage of the size of your economy, which I am sure the previous leader of that party understood, when the hon. Member says it should be reduced and therefore, although he has not got a number target, a cash target for the reduction of net public debt, he has expressed the view that it should be lowered or lower, is that in absolute terms or as a percentage of GDP?

705 **Hon. Chief Minister:** Mr Speaker, there is a lot of material on this in the manifesto, and I am sure that we have had this debate in this Chamber before about this figure. I think we have said more than once that there is no figure in absolute terms that we are looking at which is connected in any way as a ratio to the GDP, so not a percentage figure.

710 **Hon. P R Caruana:** Well, Mr Speaker, the reason why I am asking is this: that he says in this House that he thinks that the net public debt should be reduced. Well, of course, it is always better to owe less money than to owe more money, but of course most people would interpret a reduction as being, 'I used to owe £290 million – owing less means that I owe less than £290 million' – £270 million; £250 million or £230 million. But in economic terms, you can lower the net public debt as a proportion of GDP whilst actually raising the number. In other words, £290 million may be a proportion of GDP and that a higher amount – £320 million – may be a lower percentage of a higher sized economy, of an increased GDP figure, so that is the relevance of asking.

715 Three years from now, is he going to hopefully be able to boast that he has reduced the figure of £290 million to some lower figure than £290 million; or is he going to say, 'When I came into office, net public debt was 21% of GDP and it is now 19% of GDP', even though it is a higher figure in cash terms?

720 **Hon. Chief Minister:** No, Mr Speaker. The position I think is clear. We are going to come to this House, hopefully, to say – no doubt to say – that it is a lower figure in cash terms. Mr Speaker, there is a very clear statement about what we think the definition of net debt should be and how it should be changed, actually, to be more prudential on page 27 of the manifesto. It was around that definition, I think, that we had the debate previously.

725 **Mr Speaker:** Any other supplementaries?

730 Next question.

**Cash balances of Government Agencies  
30th September and 31st October 2012**

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**Clerk:** Question 999, the Hon. P R Caruana.

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**Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what were the cash balances held in each Government Company, Agency or Authority as at each of 30th September and 31st October 2012?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, Government Agencies and Authorities have no cash balances as their expenditure is funded by way of contributions from the Consolidated Fund as and when required. Similarly, the annual current net expenditure requirements of Government Companies are funded by way of contributions from the Consolidated Fund, as and when required.

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I am therefore advised by the Treasury that details of cash balances held by each Government Company or Agency are currently not available, as these depend on capital inflows and outflows, the allocations of which will not be finalised by the Treasury until the financial year end, when I assume they can be published.

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**Hon. P R Caruana:** So there are cash balances but we cannot work them out at the moment, or the net figure of money in, funded in or funded out.

I will tell you the reason why I am asking, Mr Speaker – perhaps I will phrase it by way of a supplementary. The hon. Member will recall that at the time of the Budget debate, we argued about whether the real surplus was around £50 million or around the £30-odd million that was reported. I said to the hon. Member that he had artificially reduced the size of the Budget from what I thought it should have been reported at, nearly around the £50 million –

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**Hon. Chief Minister:** The surplus.

**Hon. P R Caruana:** The surplus. Sorry what did I say? I beg your pardon.

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**Hon. Chief Minister:** The Budget.

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**Hon. P R Caruana:** The surplus, thank you, the surplus – and that he had artificially reduced this I challenged by what subsequently transpired, which I think he accepted, which was that they had charged to *this* year's expenditure account provisions in respect of *previous* years' deficits in the Companies. Now, given that previous years' deficits in the Companies did not mean that the Companies had an overdraft at a bank; the Government had funded... Those deficits from the Company for previous years arose because they were doing projects and the Government was funding that expenditure.

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Well, if the Government was funding that expenditure, the Companies have no liability. There may have been a book-keeping entry between the Government and the Companies, where the Companies owed the Government, or a suspense account of the Government, money.

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So when the Government says 'in this year's Budget' or last year's Budget, basically for the year ending 31st March 2012, I am charging £17 million for previous year Company expenditure, that capital, that expenditure... Well, that is what I said happened and that is what I think you accepted. I think you accepted that the capital expenditure involved for Companies involved more than one year. (**Hon. J J Bossano:** No.) Yes, he did. This is common ground, Mr Speaker. This is common ground by what the Chief Minister said in this House.

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The Chief Minister said in this House, and he gave me a breakdown of the figure of what was... yes. (*Interjection by Hon. J J Bossano*) Yes, yes what was capital. That capital had already been funded and therefore, where is that capital now? Did it stay in the Consolidated Fund? Was it just a book-keeping entry so that it was not really money that the Government was spending this year – which was the point that I was trying to make in the Budget?

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Either the Government was spending that £17 million or so – I do not remember what the net figure was between the £50 million and the £30-odd million... Either the Government was *not* spending that money out of the Consolidated Fund, in which case it should have been reported, it had not spent that money out of the Consolidated Fund and therefore, it should have been in the Consolidated Fund as at 31st March, and therefore reported, as part of the surplus; or the Government was in settlement of some deficit or some advance account liability or whatever the Companies owed, paying it out of the Consolidated Fund, in which case he was right to debit it. But then that money has to be paid somewhere, there has to be a recipient of the money and given that the Companies had already been funded in the expenditure – (*Interjection*) Yes, the Companies did not owe a contractor £17 million in respect of

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previous year profits. It had already been paid for by the Government and therefore that £17 million, I would expect to be sitting, if it has left the Consolidated Fund as of 31st March – remember we are talking about expenditure sitting in the Companies.

800 So the hon. Member is saying to me now, as I understand his answer to my question, there is no cash. There are no cash balances in any of these Companies because they do not maintain cash balances. What happens is that when they have liabilities, the Government sends money in and when they have revenue, the Companies sends the revenue up to the Government, so there is never any *cash* balance in any of the Companies or Agencies. That is the tenet of what the original answer to my question has been. There are

805 I am asking the hon. Member, first of all, to confirm that there are no cash balances in the Companies and if there are no cash balances in the Companies, what happened to that part of the charge on the Consolidated Fund that was reported, in our view, to reduce the surplus for last year by a figure which included not that year just ending's expenditure by the Company, but by the hon. Member's admission, previous years' expenditure by Companies which had already been funded by the Government.  
810 *(Interjection)*

Yes, Mr Speaker, the hon. Member... Let us at least agree that if the facts as I... If the Hon. the Minister for Employment is suggesting that my factual explanation is incorrect, well fine. Let us at least agree that if my factual explanation is not incorrect, which can be established later, then those £17 million have got to be somewhere, and I am asking whether they are in the Companies?  
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**Hon. Chief Minister:** Mr Speaker, we had, he is right to say, a very lengthy debate about these issues and I want to say that this was a debate which involved very detailed consideration of the figures that were before the House at the time, which is reflected in *Hansard* and which I do not recall led us to agreeing on anything.  
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So, Mr Speaker, the position of the Government is as set out in my reply to his Budget address then. I think the figures reflect very accurately what the position is and there are today, as I have said in my first answer, no cash balances in these Agencies or Authorities for the reasons I have set out.

825 Despite the length of the question, which I accept was intended to help us understand why it is that the hon. Gentleman wanted the information, I do not recognise that he is right in what he is saying. But Mr Speaker, if he wishes, Mr Speaker, I will review the *Hansard* of the reply to the Budget debate and his points, and see whether it is possible to distil from that and this question, some information which is available and which he *can* have and which may enable him to have what he wants to have, to do the calculation that he wants to do.

830 **Hon. P R Caruana:** Okay, Mr Speaker, I accept that offer, but what the hon. Member is saying to me now is that there is not... I have mentioned the figure of £17 million, but I am not suggesting it is £17 million. I cannot remember how much was in dispute. I thought it should be around £50 million and he reported £30-something million. So it is... Whatever that figure is of around about £17 million, the hon. Member is saying to the House today that there is no Company, Agency or Authority that has that degree  
835 of money available to it outside of the control of this House. In other words, that there is not a Company or Government Agency with an equivalent amount of cash, sitting in it which is available to be spent by those Companies outside of the appropriation mechanism of this House.

That is really the question that I am asking.

840 **Hon. Chief Minister:** Mr Speaker, and I have answered it, I believe, *(Interjection by Hon. P R Caruana)* as clearly as I have. I have set out, Mr Speaker, *(Interjection by Hon. P R Caruana)* and I will repeat it, if the hon. Gentleman wants, that Government Agencies and Authorities have no cash balances, as their expenditure is funded by way of contributions from the Consolidated Fund and then went on to read the rest of it and especially, Mr Speaker, the issue about when the information will be available to  
845 the Treasury about allocations, etc, which are made in respect of these Companies, which will not be until the financial year end.

**Hon. P R Caruana:** I accept that as the answer then, if that is what he means to say –

850 **Hon. Chief Minister:** Yes, Mr Speaker, if what he is saying is, 'Is your answer, your answer?' then yes, Mr Speaker, my answer is my answer.

855 **Hon. P R Caruana:** Yes, but Mr Speaker, this is why I wanted clarification. The answer is the Companies have no cash balances, and if he had stopped there, it would have been clear. If he had stopped at 'the Companies have no cash balances because they are funded by the Consolidated Fund' – full stop – that would have contained the answer to my supplementary as well. But he then went on to say about the Treasury not having the figures and I want to know if that derogates from the part of his answer

860 which is clear. In other words, is he saying the companies have no balance because they have got no cash or are they saying, 'It is all about reconciling figures and we will not know if they have got any balances until the Treasury does some work, which it has not been able to do yet', which is the second part of his answer, which is less clear than the first.

865 **Hon. Chief Minister:** Well, Mr Speaker, the first part is the position that accurately and succinctly reflects the position.

**Hon. P R Caruana:** Then that gives the answer to my supplementary.

870 **Mr Speaker:** Next question.

**Gibraltar Savings Bank  
Details of debt security and investments**

875 **Clerk:** Question 1001, the Hon. P R Caruana.

880 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister give a breakdown by nominal value and issue of the debentures or other debt security issued by the Gibraltar Savings Bank and outstanding as at each of 30th September and 31st October 2012?

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

885 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 1002.

**Clerk:** Question 1002.

890 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister give a breakdown of the investments, including cash advances, if any, of the Gibraltar Savings Bank as at each of 30th September and 31st October 2012?

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

895 **Hon. Chief Minister:** Mr Speaker, I will now hand the hon. Member a statement with the information requested on the value of debentures and the debt security issued by the Gibraltar Savings Bank.

As regards the breakdown of corresponding investments, these have not yet been finalised by the Treasury.

**ANSWER TO QUESTION 1002 OF 2012**

**Answer to Question 1001**

Summary of nominal value/issue of Debentures and other Debt Security issued by the Gibraltar Savings Bank as at:

	<u>30-Sep-12</u>	<u>31-Oct-12</u>
<b>Gibraltar Savings Bank Debentures</b>		
3 Year Fixed Term Monthly Income Debentures (Maturing 1/8/15)	£3,131,200	£4,906,800
5 Year Fixed Term Monthly Income Debentures (Maturing 1/8/17)	£15,474,400	£22,229,600
3 Year Fixed Term Monthly Income Debentures (Maturing 1/5/15)	£3,055,000	£3,055,000
5 Year Fixed Term Monthly Income Debentures (Maturing 1/5/17)	£29,840,000	£29,840,000
3 Year Fixed Term Monthly Income Debentures (Maturing 1/2/15)	£1,993,300	£1,993,300
5 Year Fixed Term Monthly Income Debentures (Maturing 1/2/17)	£25,044,800	£25,044,800
Monthly Income Debentures (Issued 17/1/12)	£1,915,900	£2,310,200
Monthly Income Debentures	£8,865,400	£8,745,400
Pensioners Monthly Income Debentures	£6,694,300	£6,587,300
Other special Debenture Issues @ 2%	<u>£2,316,584</u>	<u>£2,340,595</u>
	<b>£98,330,884</b>	<b>£107,052,995</b>
<b>Gibraltar Savings Bank Bonds</b>		
10-Year Accumulator Bond (Issue date 01/08/12)	£593,200	£862,200
10-Year Pensioner Accumulator Bond (Issue date 01/08/12)	£1,843,200	£2,133,300
10-Year Accumulator Bond (Issue date 01/05/12)	£2,956,400	£2,866,400
10-Year Pensioner Accumulator Bond (Issue date 01/04/12)	£1,575,000	£1,575,000
10-Year Accumulator Bond (Issue date 01/02/12)	£897,300	£897,300
Guaranteed Superannuation Fund Bond	£4,850,884	£5,616,252
8% Provident Trust Fund No. 2 Pension Scheme EX Bond 1	£572,244	£573,806
8% Provident Trust Fund (Bond 1)	£2,628,485	£2,636,772
8% Pension Rights and Gratuity Transfers (Bond 2)	£4,465,725	£4,433,246
8% Provident Trust Fund No. 2 Pension Scheme - EX JMH	£87,033	£232,584
Gibraltar Provident Trust (J.M.H.) Pension Scheme	£257,811	£113,547
GSL 11% Bond	<u>£14,624</u>	<u>£14,624</u>
	<b>£20,741,916</b>	<b>£21,745,031</b>
<b>Gibraltar Savings Bank Ordinary Deposits</b>		
	<b>£50,542,922</b>	<b>£51,322,555</b>
<b>Investment Call Accounts</b>		
Non-Government	£1,331,948	£1,334,211
	Not yet finalised by Treasury	Not yet finalised by Treasury
Government (tentative)		
	Not yet finalised by Treasury	Not yet finalised by Treasury
<b>Total Gibraltar Savings Bank Deposits:</b>		

900 **Hon. P R Caruana:** How is it possible for the Treasury not to know, as at a date nearly three weeks ago, where its money was invested?

If you said to me that they had not had time to type out the list, I could understand it. There is nothing for the Treasury to finalise. As at the date, which has passed some days ago, the question is, where was the Government's money invested in or the Savings Bank's money invested in. I do not see that there is anything for the Treasury to have finalised or not finalised.

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**Hon. Chief Minister:** Mr Speaker, that is the answer which I have been provided by the Treasury, so I will be very surprised if they had been able to finalise things and had not been ready to provide it to me.

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**Hon. P R Caruana:** Mr Speaker, is the Government able to say whether all the monies representing debentures issued by...? (*Interjection*)

The question is a bit technical, so I thought I would wait until I was certain that he was hearing it.

Mr Speaker, is the Hon. the Chief Minister able to confirm that all the money represented by the issue of these debentures by the Savings Bank is held either in cash or in near cash by the Savings Bank, either in floating rate notes or in debentures, market instruments of that sort?

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**Hon. Chief Minister:** Mr Speaker, that is what the Savings Bank Act provides that the investment must be held in. So unless somebody is in breach of the Savings Bank Act, then yes, I can confirm that.

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**Hon. P R Caruana:** Mr Speaker, these questions are designed – I do not mind telling the hon. Member what the questions are designed to establish – whether, and if so when, the Government should ever – and they are designed to see whether it has happened already and if the answer is no, then to see if it happens in the future... It is designed to establish whether the Government is procuring that the Savings Bank – which is nothing more than a special fund of the Government – whether the Savings Bank is lending money to the Government, either directly in cash or through the investment by the Savings Bank in Gibraltar Government debentures. That would just be a way of lending Savings Bank debenture holder monies to the Government.

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930 In other words, if I go to the Savings Bank and I buy £100,000 worth of Savings Bank debentures and the Savings Bank uses that money to buy £100,000 of Government debentures, as an investment for the Savings Bank, then my £100,000 has been lent by the Savings Bank to the Government. I make no comment about what view one should take on that; I am just trying to find out whether it is happening or not happening.

935 **Hon. Chief Minister:** Well, Mr Speaker, given that he was the one that removed the 10% buffer in respect of the Savings Bank, on the basis that it was a Government bank underwritten by the Government in the Consolidated Fund, I would expect him to make no point about that.

But Mr Speaker, my position remains exactly as I said a moment ago. As far as I understand it, all investments of the Bank are in cash or near cash, which is what the Savings Bank Act requires.

940 **Hon. P R Caruana:** And therefore have not been used either to lend cash to the Government or to purchase Government debt instruments, like Government debentures.

**Hon. Chief Minister:** No, Mr Speaker, if those things are neither cash nor near cash, they have not.

945 **Hon. P R Caruana:** Well, Mr Speaker, look this is an important enough issue for me to be entitled to a clear answer. (*Interjection*)

950 *Either* the Government allows and procures... Given that it controls the Savings Bank, either the Government allows the Savings Bank to lend its money to the Government, so that Savings Bank's debentures are subject to the financial viability – thankfully, healthy – of the Government; *or* the Savings Bank debenture monies are ring fenced, kept in separate accounts in the Bank of England and not ever subject to the Government's ability to repay public debt.

Mr Speaker, I am not making a comment that it would be right or wrong, or how right or how wrong it would be. I am simply asking a question which I think is important enough just to attract a simple yes or no answer from the Government.

955 Is the Government allowing debenture Savings Bank monies, which represent monies paid to the Savings Bank in exchange for Savings Bank debentures by savers... is the Savings Bank allowed to use that money to buy Government debentures or to cash lend to the Government, both of which would represent using Savings Bank debenture holders' money to fund public debt? As they do in England, by the way – there are lots of countries where this is *exactly* how the public debt is funded.

960 **Hon. Chief Minister:** Mr Speaker, I think this *is* a very important point and I think it is very important that I deal with the point that the hon. Gentleman first made. Are the Savings Bank's investments in cash or near cash? Yes, they are. Does that investment include the Government's debentures or lending to the Government? Well, Mr Speaker, I have, a moment ago, answered the question as to what Government debt is. The answer is that Government debt is going down, he has seen it and he has seen what the revolving facilities are and he will see that there is there, not disclosed, the Government Savings Bank as a lender to the Government. It would have to be disclosed there, if there were any Government lending or any Government debt to the Gibraltar Savings Bank. It is not there.

970 So if he says it is that important, well, Mr Speaker, so be it that he thinks it is that important and if he looks at the answer in respect of Government borrowing, he will see that there is no lending from the Gibraltar Savings Bank, either to the Government directly or through debentures.

975 **Hon. P R Caruana:** Well, Mr Speaker, that is the answer to my question, which he could have given me, without adding the inaccurate preamble. His preamble is inaccurate, because the answer to the previous question tells me not what he has just said it tells me.

If I look at the total amount issued by the Government in Government debentures, I have not got a list of the debenture holders, I do not know who the investors in those debentures are. (*Interjection*)

980 Well, Mr Speaker, there is churn. A lot of people may have sold those debentures, bought Savings Bank debentures and the figure is the same or a little bit lower because others may be buying it and those others could include us. It does not tell me – knowing that the Government has £x million in outstanding Government debentures – anything about whether any of those debentures are held by the Savings Bank or whether they are all held by citizens who are still in the Government debentures, because they have not yet had an opportunity to be migrated or to migrate in due course to the Savings Bank.

985 But I have now had the answer to my question, which is no. No Gibraltar Savings Bank debenture proceeds are used to lend to the Government directly in cash or through the medium of the investment in Gibraltar Government debentures. That is all I was asking for and I am grateful to the hon. Member.

**Mr Speaker:** Next Question.

990 **Hon. Chief Minister:** I answered, I think, not trying in any way to steer the hon. Gentleman away from the information that he wanted. I think I have set out clearly in my answers what the position is.

**Mr Speaker:** Next question.

995

**Government staff  
Employment costs**

1000 **Clerk:** Question 1003, the Hon. P R Caruana.

**Hon. P R Caruana:** Mr Speaker, further to Written Question 128/2012, will the Chief Minister say what is the cost in one full year of the employment since 10th December 2011 of the following persons – then the Hon. Chief Minister will recognise the information that he gave me in that question, in that 128:  
1005 (a) 58 civil servants; (b) 35 GHA staff; (c) 9 GDC staff; (d) 23 Care Agency staff; (e) 6 Gibraltar Bus Company staff; (f) 3 Gibraltar Defence Estates & General Services Ltd staff; (g) 3 Gibraltar Cleaning Services Ltd staff; (h) 54 Gibraltar Research and Development Co. staff; and (i) 531 Employment Training Co. staff.

1010 Now, I recognise that items (h) and (i) are the employment training scheme things and the graduate schemes, which are in a different category to (a) to (g).

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

1015 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the requested information is of a hypothetical nature and can therefore not be provided, not least of all because the full year has not yet elapsed. In some cases, the employees were engaged seasonally and the cost of one full year is not applicable and in others, employees will have moved on and are therefore no longer in post.  
The full year cost is therefore not a real one.

1020 **Hon. P R Caruana:** Mr Speaker, that answer I think is typical of the obtuseness that the –

**Mr Speaker:** Will the Hon. Leader of the Opposition... When I saw this question, I was myself somewhat perplexed. 'The following persons: 58 civil servants' – 58 civil servants in what grade? Is it 58 hypothetical civil servants that the Hon. the Leader of the Opposition is talking about or is it...? I hope –  
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**Hon. P R Caruana:** Well, Mr Speaker –

**Mr Speaker:** Just a moment. I hope he does not get exasperated with me, because I think that when I received the question, I was perfectly entitled, if I had so wished, to find out, to endeavour to find out from him whether these 58 civil servants were real, who they were, what grades were they; or were they just 58 hypothetical civil servants?  
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If they are just 58 hypothetical civil servants, an answer cannot be provided. If eight of them are EOs on the maximum of the scale and another 50 are HEO at the bottom of the scale, perhaps figures can be given.  
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So perhaps he might care to clarify what the exact position is, before we proceed any further.

**Hon. P R Caruana:** Mr Speaker, with respect to him, the Hon. Mr Speaker should have been perplexed only to ensure that the question was within Standing Orders. It is not a requirement of the Opposition in asking questions that the Speaker understands the political significance.  
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**Mr Speaker:** Well yes – because otherwise the persons referred to are hypothetical.

**Hon. P R Caruana:** Mr Speaker –

1045 **Mr Speaker:** Of course there exists in Government employment 58 civil servants, but who are they? What 58 civil servants are we talking about?

**Hon. P R Caruana:** Mr Speaker –

1050 **Mr Speaker:** And therefore unless I were to know, I cannot properly give a Ruling.

1055 **Hon. P R Caruana:** Well, Mr Speaker, you have given a Ruling: you have allowed the question to enter the Order Paper, so the question is perfectly in order. What we are discussing is his answer, not my question. The fact that the question is in this Order Paper after Mr Speaker has considered it, before today, means that he has already decided that it is in order. So why I am now being cross-examined about whether my question is in order or not is beyond me.

1060 But Mr Speaker, I do not know why Mr Speaker gets the impression that I would waste my time concocting questions around hypothetical non-existent people! These are the numbers that the Government, the Hon. the Chief Minister or some Minister, provided in answer to a question last time in Parliament as to the number of people that had been employed in new additional jobs in the Government since 10th December. I am simply regurgitating the information that the Government has given me in answer to a previous question, where I have asked how many new people – not people being transferred from other jobs – how many people have been *newly employed* in the Government or in any Government Agency since 10th December, and *this* is the list that the hon. Members gave me.

1065 Having given me the list, I am now asking, ‘Well what is the *cost* of employing these people that you have told me you have employed?’ to which the answer appears to be from the hon. Member opposite, ‘I do not know’, and from the Hon. the Speaker is ‘Are these hypothetical?’

Well, I do not know if they are hypothetical or not; I only know of their existence because the Government has informed the House that they exist!

1070 **Hon. Chief Minister:** Well, Mr Speaker, I have not said I do not know; what I have said, Mr Speaker, if the hon. Gentleman cares to look at his question – and this is what makes it impossible to... This is what makes his question... (*Interjections*) Is he interested in the answer, Mr Speaker?

What makes his question impossible to answer is that he has asked what the cost –

1075 **Mr Speaker:** Just a moment. (**Hon. Chief Minister:** Sorry.) When the question was first received, there was no reference to ‘Further to Written Question No. 128/2012’. The question that I saw started, ‘Will the Chief Minister say what is the cost’. There was no reference to... I did not see any question with reference to Written Question 128/2012 – (*Interjection by Hon. P R Caruana*) – that I could then have reference to myself.

1080 **Hon. P R Caruana:** Well I am sorry, Mr Speaker, (**Mr Speaker:** That is what happened.) The question was amended to read that at the request of the Clerk, after you had made that point to him and he had made it to me, and this is how we agreed it would be corrected. Hence my surprise when the matter is raised by you again!

1085 It reads ‘Further to Written Question 128’ at *your* suggestion, put to me through the Clerk!

**Mr Speaker:** I asked the Clerk that the matter should be clarified with you. That is what I did.

1090 **Hon. Chief Minister:** Mr Speaker, the issue for us is that the way that the uncontroversial part of the question, if I can put it that way, is worded, assumes one full year of employment since 10th December 2011 in respect of these individuals. Therefore, there is nobody – I know we were quick off the mark, Mr Speaker, but there was nobody here that we could identify employed on 10th December 2011, and in any event the full year has not expired.

1095 So if what the hon. Gentleman wanted to know is what is the cost going to be of a full year of employment of these individuals from the relevant date in which each of them have been employed, then Mr Speaker that is something that I suppose we *could* provide –

**Hon. J J Bossano:** But not in a week.

1100 **Hon. Chief Minister:** But just to take the point that Mr Speaker has taken and develop it, so that the hon. Gentleman can understand what the next issue may be – (*Interjection by Hon. P R Caruana*) What the next issue may be, Mr Speaker, and I think it is an important point, is that these 58, we will need to find their level in the Service and we will need to identify where it is that they finally are deployed and then trace forward if he wants, what salary it is that they are going to enjoy for that year, Mr Speaker – for  
1105 the year from the date when they start. It is not information that we would have been able to provide within a week.

1110 If he gets the point and he understands what I am saying, Mr Speaker, then perhaps he can put the question in a way that enables us to give him the information. For example, it may be easier if he asks us what is going to be the yearly salary for each of them, and then he can work out for himself, Mr Speaker, what the relevant totals may be.



1115 **Hon. P R Caruana:** Mr Speaker, I know the hon. Gentleman has it as a policy and a tactic to try and belittle and ridicule everybody on this side of the House, but I have been doing the job that he has been doing for eight months for 16 years. The chances of him understanding anything about the affairs of Government that I do not grasp or understand are worse than zero.

1120 Mr Speaker, that is precisely the question that I have asked. That is precisely the way that I have formulated the question. I have not asked him how much has it cost and I have not asked him any of the things that he has told me he could not answer. I have said, 'What is the cost in *one full year*?' It is a perfectly normal way to economically analyse the cost of something: you have done something, what is the annualised cost of what you are doing?

1125 If you employ 47 teachers what is the annualised cost of those people – not in *this* year, because there is not a full year for them all, unless you employed them all on 1st April. That is why the question is precisely worded as he is recommending to me: what is the annualised cost? What is the cost in one full year, not what is the cost this year – in one? In any year, what is the annual tally of the monthly salaries? You get the salary for the first month of their employment and you multiply it by 12, and that is the cost in one full year of that employee – and you could not have done that for these people! How can the Government employ –

1130 **Hon. Chief Minister:** You need to ask me a question.

**Hon. P R Caruana:** Yes, I am asking, several. How can the Government employ people without knowing what the cost is going to be?

1135 **Hon. Chief Minister:** Mr Speaker, I really think that he needs to go back and see what I said to him because I have not attempted (*Interjection*) – because when I attempt, I usually achieve – to belittle him at all. In fact, I have been quite careful in the way that I dealt with the issue, because I know that Mr Speaker had taken the point in relation to the question, and I wanted simply to assist.

1140 In fact, Mr Speaker to people who have fulfilled the post that he fulfilled for 16 years and that you fulfilled and that the Hon. Mr Bossano filled, I am, where possible, courteous to a fault. It is only when he – previously, usually – provokes me by kicking me in the parliamentary proverbials that I have to react and try and put him in his place. So this question of trying to belittle him (*Interjection by Hon. P R Caruana*) is really otiose.

1145 Second, Mr Speaker: look, he thinks that my chances of understanding employment or anything else are less than zero, because he seems to have much less regard for me than I have for him, and all I am trying to do, Mr Speaker, in answering this question, in being generous in the way that I am putting to him we might be able to answer the question, is to say that the way it is set out is wrong.

So first of all, Mr Speaker, of course the Government knows what the annual cost of every person it employs is. It is not just the Government that knows it, Mr Speaker; it is actually set out in the Estimates Book, Mr Speaker.

1150 Second, the problem is, Mr Speaker, that the way he has phrased his question... and there are two ways of answering it, and one in particular which would be very problematic is to ask us what is the cost in one full year of employment, which is the part of the question he quotes, but then he does not quote this bit – 'since the 10th December 2011, by the following persons'. Now many of these people Mr Speaker were not employed by the 10th December 2011; they were employed *afterwards*.

1155 Some of them, Mr Speaker, additionally, were employed seasonally so there is no full year of cost, so we would have to give him in that respect, Mr Speaker, the total salary charged by that individual, say for example, lifeguards that may be some of the people set out in the list that he is referring to.

1160 It is for that reason, Mr Speaker, that I have given him the answer that I have given him. I know that what usually happens to the hon. Gentleman is that when he sees he is wrong, he gets upset and hopes that by the bluster, he will be able to hide his mistake. But I think we have all seen through it today.

1165 **Hon. P R Caruana:** Mr Speaker, the Hon. the Chief Minister is a master at the waffling of rubbish in order to cover his plain ignorant – (*Interjection*) Yes, Mr Speaker, and I am going to demonstrate it. Even to the point of pretending that the question reads something which it does not read, in order to try and wriggle out of the room.

1170 Look, Mr Speaker, the reference to the 10th December is a reference to the date as from which people were employed in respect of which I want the cost of for a full year – *not*, as he has just tried to pretend to everyone listening in this House and everybody listening, that he cannot give me one full year's cost because not everyone was employed from the 10th December.

Look, Mr Speaker, it is perfectly simple English. The question reads: 'Further to Written Question No. 128/2012' – in which he gave me all this information of the number of people they had employed since 10th December – 'Further to Written Question No. 128/2012, will the Chief Minister say what is the cost in one full year since 10th December 2011 of the persons employed?'

1175 In other words, we know they were not all employed on 10th December but they have all been employed *since* 10th December, and because they have all been employed at different dates, obviously they will each have, their costs in a year will not be 12 months between now and March 2013, because they will not have served for 12 months between now and 2013.

1180 So I have said, never mind when they were employed, what is the cost *in one full year*? I doubt that there is anybody listening to this debate inside or outside of this House who does not understand the simple purport of my question, which is (a) that the Government has informed this House that since 10th December, it has employed 58 additional civil servants, 35 additional GHA staff, nine GDC staff, 23 Care Agency staff, six Gibraltar Bus Company staff, three Gibraltar Defence Estates... 54 Gibraltar Research Assistants who were presumably graduates, 531 Employment and Training Co. staff; and I am asking what is the cost of all that payroll in one full year to the Government. If the Opposition is not entitled to *basic* information about accountability of public finances, as obviously relevant as the cost of the employment of public employees, and even to such simple questions, we have to be put off and fobbed off with obfuscation and insulting answers from the hon. Member opposite, I do not know what he thinks this Opposition is in this House to do!

1190 The question is: will the Government tell me what these people would cost in a year, yes or no? If he does not know, I will have it from him in writing at his convenience.

**Hon. Chief Minister:** Mr Speaker, I am very sorry to say that this is what often happens in this House and I am sorry that you are having to see a display of it this evening.

1195 **Hon. P R Caruana:** Get on with it! For God's sake. (**A Member:** You are the one who started it today!)

1200 **Hon. Chief Minister:** I have not said anything to the hon. – Sorry, Mr Speaker, the hon. Gentleman is using some unparliamentary language from a sedentary position. Perhaps he wants to share it with us.

**Hon. P R Caruana:** I am perfectly entitled to address myself to my neighbour in unparliamentary language.

1205 **Hon. Chief Minister:** Well you do what you like, but I think it demeans this Parliament when you do.

**Mr Speaker:** I think that matters are beginning to degenerate and I may soon have to move on.

**Hon. P R Caruana:** Again, without my getting an answer.

1210 **Hon. Chief Minister:** Mr Speaker, there is no question –

1215 **Mr Speaker:** There may be no answer, whether he gets it or not, but if hon. Members are going to degenerate in making this what they have been doing for a hell of a long time, I am then going to bring matters to a head and go on to the next question! I think I am entitled to do that – or am I not?

**Hon. P R Caruana:** *Of course* you are entitled –!

**Mr Speaker:** Right then, sit down and let us carry on.

1220 **Hon. P R Caruana:** The question is whether I get an answer or not.

**Mr Speaker:** Sit down and let us carry on.

1225

**Mr Glyn Ford**  
**Engagement by Government**

1230 **Clerk:** Question 1004, the Hon. P R Caruana.  
Question 1004.

**Hon. P R Caruana:** Well, Mr Speaker, if the hon. Member can filibust until Mr Speaker's patience is exhausted, he will not have to answer this question either.

1235 Mr Speaker, can the Chief Minister say whether Mr Glyn Ford, previously a Labour MEP for the South West and Gibraltar region, has been or is engaged by the Government or any Government entity, for any consultancy or other work?

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

1240 **Chief Minister (Hon. F R Picardo):** Mr Speaker I will answer clearly and straightforwardly, as I have every single other question asked in this House, (*Laughter*) and I will remind the hon. Member that this Government is putting publicly on its website more information than his Government ever provided even in this Parliament.

1245 I answer him, Mr Speaker, by saying that Mr Ford is engaged by the Government for lobbying activities in Brussels.

**Hon. P R Caruana:** Mr Speaker, can the hon. Member say whether this has been made publicly known by the Government before?

1250 **Hon. Chief Minister:** Mr Speaker, much as was the case in respect of the expenditure under the Lobbying Head at No. 6, this has not been made public before and neither did he make public a number of the things that he entertained under that Head.

1255 I have information if he wants it about the cost of Mr Ford per month and the details of his contract, which I am happy to share with him privately.

**Hon. P R Caruana:** Mr Speaker, I am going to ask for it publicly. The difference between the lobbying engagements that I did and the lobbying engagements that he does out of public funds is that I never employed somebody who campaigned for me at the General Elections.

1260 Mr Glyn Ford MEP campaigned for the GSLP at the last Gibraltar General Election, or the second one, I cannot... Yes, the last and the previous, the one before that. That is the relevance of the matter and I am not prepared to accept the information from him privately. I think that the public is entitled to know how much Mr Glyn Ford MEP, member of the GSLP and campaigner for the GSLP at the last Elections, has been paid by the Government out of taxpayers' funds, for lobbying for the Government of Gibraltar in Brussels. And if he is not willing to provide me with that information publicly, I do not want it in any form.

1270 **Hon. Chief Minister:** Well, then Mr Speaker, he is not going to get it, for this reason: the hon. Gentleman knows that the Lobbying Head which he introduced in the Estimates Book is designed to enable the Government of Gibraltar to achieve the purposes of the people of Gibraltar through lobbying and other campaigns. He has spent in one year up to, I believe, £1 million or £2 million in respect of that Head. When we asked him to provide that information, he would not provide it, so if he was funding – (*Interjection*) That is *exactly* true. He can go back and look at every *Hansard* and he would not give us one piece of information as to what was being spent, what the money was being spent on and if he does not remember, it is because he is having selective amnesia.

1275 Mr Speaker, it is fundamentally important that he should understand –

**Hon. P R Caruana:** May I raise a Point of Order?

1280 **Mr Speaker:** Yes, which Point of Order?

**Hon. P R Caruana:** Well, Mr Speaker, there is no need for you, Mr Speaker, to lose patience – it may be a very good Point of Order for all he knows.

1285 Mr Speaker, I want the hon. Member to just confirm to me whether he is asserting in this House, that he has asked me when I was Chief Minister, or the Government, questions about the expenditure by the Government on lobbying and that he is saying that I refused to give him the information. Is that what he is saying?

1290 **Hon. Chief Minister:** That is not a Point of Order, Mr Speaker, but I will deal with it, simply by saying that although he used to give us a general breakdown of the Head, he would not give us what the detailed expenditure was and therefore, if he had been funding people who had been campaigning for him – not that that is relevant – then we would not have seen it in this House and therefore he is now accusing us of doing exactly what it was that he did.

1295 And what he likes to do, Mr Speaker, because he is trying to re-run the 1996 General Election campaign with all of his lieutenants, is to throw aspersions as widely as possible in an attempt to persuade people that something untoward is going on.

What is going on, Mr Speaker, is that somebody who is very well connected in Brussels is doing a job for the people of Gibraltar and it has achieved some results already. And if he thinks there is something wrong with that, then he has lost his compass and he does not want to achieve the best for the people of Gibraltar; he just wants to score cheap and basic political points.

1300 Mr Speaker, the fact is that Glyn Ford was recognised for many years as representing not the GSLP, but Gibraltarians in the European Parliament, even before we had the right to vote there. He is widely recognised as a friend of Gibraltar. He has recently found that he was not returned to the European Parliament, but is still very well connected with people there. Therefore, Mr Speaker, he is a resource that we believe it is right to retain for the people of Gibraltar and we are delighted to be working with him.

1305 What he needs to understand, Mr Speaker, is that for us as a Government, whether somebody was a GSLP supporter before the Election or a GSD supporter before the Election or a PDP supporter before the Election, whether they remain of that political persuasion after the Election or not, the only issue for this Government is how well can they do the job for which they are going to be retained, what value do they add for Gibraltar? That is what every Government should have been about.

1310 But remembering – because memories are not as short as he might want – what life was like before 9th December 2011, people will be forgiven for thinking that if he is putting his question in this way, it must be because that was exactly what was going on before, when he had control of the purse strings and he used to refuse to give us the detail of the Head in respect of Lobbying and some of the million-pound contracts which we have seen and made public since we were elected reflect exactly that sort of behaviour in respect of that Head and others.

1320 **Hon. P R Caruana:** So, Mr Speaker, we shall simply have to assume that Mr Glyn Ford, campaigner for the Government at the last Election, is just by coincidence... It is just a coincidence that all the early beneficiaries of the hon. Members alleged even-handedness amongst all Gibraltarians all happen to be people who prominently helped the GSLP at the last Elections. We have debated, we have discussed, asked questions about other situations in the past and now Mr Glyn Ford.

1325 My supplementary is this, Mr Speaker: the question is not whether Mr Glyn Ford is qualified or unqualified. The question is not whether he won or lost the last European Parliamentary Election. The question is how much taxpayers' money has he been paid?

I would have thought that if Parliament is not entitled to know that information, then the rules of parliamentary accountability are being re-written in front of our very eyes. Mr Speaker, the question is apparently the hon. Member's position appears to be, 'I will not tell you because I alleged' – wrongly, I charge him – 'that when I asked you similar questions in Parliament you never answered me.' So where is this alleged greater transparency?

1330 What the hon. Members do is publish on their website the innocuous Government financial information, whilst refusing to give in this House the uncomfortable inconvenient financial information that we ask. That is the game that the hon. Member is playing or why has he not put in his transparent Government website (a) that he was employing Mr Ford at all, which it has required an Opposition question to elicit – I would have thought it was a matter of public interest given that they put out five press releases a day on almost everything else that moves – and (b) how much he is being paid? Why has he not put that information on his Government website, if his commitment to transparency and accountability is everything that he claims that it is?

1340 **Hon. Chief Minister:** Mr Speaker, I really think that the hon. Gentleman is past his prime.

**Hon. P R Caruana:** I am past my prime! Of course I am past my prime! (*Laughter and interjections*)

**Hon. Chief Minister:** Absolutely right. It is time that you recognise it, get up and go. (*Laughter*)

1345 **Hon. P R Caruana:** The question is not whether I am past my prime; the question is whether you are hiding information from the people. That is the question.

1350 **Hon. Chief Minister:** There is no question, Mr Speaker, of this Government hiding information from the people. (*Interjections*) This Government is providing (**Mr Speaker:** Order!) – and I know that it is uncomfortable for them, Mr Speaker – without *them* being needed to elicit the information for the public to have access to it, all the information that we sought from them. We are providing, Mr Speaker, in those 'five press releases a day' that the hon. Gentleman pejoratively refers to, the narrative of excellence and the magnificence of a year in Administration that deserves to be writ large and brought to the attention of the public. (**A Member:** Hear, hear.)

1355 That a man has been contracted – not employed, but contracted – to work for Gibraltar in a place where he has huge influence and contacts –

**Hon. P R Caruana:** How much are you *paying* him?

1360 **Mr Speaker:** Order! Order!

**Hon. Chief Minister:** – is not something, Mr Speaker, that would make sense to advertise if what we wanted him to do was advance our cause. (*Interjection by Hon. P R Caruana*) But of course, Mr Speaker, the hon. Gentleman has asked a question and we are now having this debate.

1365 But to go into further detail, in our judgement, is not going to advance the interests of Gibraltar. That is why we are not providing the information. Have we rewritten the rules on parliamentary debate and transparency? Absolutely, we have, Mr Speaker: he is right to give me the opportunity to score this goal, straight, without a keeper.

1370 The fact is that the public now have at their fingertips at home, all the information that they can want access to in respect of Government spending, in respect of Government activity... (*Interjection by Hon. P R Caruana*) (**Mr Speaker:** Order, please.) ...in respect of just about everything that it is prudent for Government's to disclose.

Have we rewritten the rules on parliamentary debate? Absolutely. Now there is a debate whenever the hon. Gentleman wants to put a Motion, once a month and there is a Question Time once a month.

1375 Have we rewritten the rules on openness and transparency? Well, Mr Speaker, you just have to look at how open and transparent the debates even of the Development and Planning Commission are, where anybody can turn up and see what is going on.

The secrecy is *over*, Mr Speaker. Government behind the curtain for the privileged few that enjoyed his largess before 9th December is over, Mr Speaker.

1380 **Mr Speaker:** If the hon. Chief Minister would... I think the matter is getting completely out of hand. This is a convenient moment to have a short recess.

1385 *The House recessed at 4.40 p.m. and resumed its sitting at 5.05 p.m.*

#### **GBC's funding Becoming self-sufficient**

1390 **Clerk:** Question 1005, the Hon. P R Caruana.

1395 **Hon. P R Caruana:** Yes, Mr Speaker, can the Chief Minister say how the Government expects that GBC's funding will become 'entirely self-sufficient'?

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

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, by the profits of the joint venture it has created, namely Gibraltar Entertainment Network Ltd.

**Hon. P R Caruana:** Well, Mr Speaker, I hasten to say that if GBC can fund itself from any legitimate commercial activity or advertising in any way that reduces the charge on the Consolidated Fund for its annual operating budget, that is to be welcomed.

1405 In return, would the Hon. the Chief Minister accept that it would be undesirable that GBC's funding should be from private commercial interests that are able to exert editorial influence over it?

1410 **Hon. Chief Minister:** Absolutely right, Mr Speaker, and there is no question, in respect of what is being planned, that anybody would have any editorial influence over GBC at all; it is quite the opposite. The Gibraltar Entertainment Network is a subsidiary of GBC, not in any way above GBC.

**Hon. P R Caruana;** So that if, contrary to all our hopes, this commercial venture subsidiary should not be profitable or sufficiently profitable, the Government would continue to fund in accordance with its annual budgetary decisions.

1415 **Hon. Chief Minister:** Yes, Mr Speaker, that is the position and in fact it may be that we do not... I imagine that everybody would wish that the profitability of the subsidiary should be such in the early years, that when it dividends up any profits to the GBC, those will be sufficient to extinguish the subsidy. I do not think that is going to happen.

1420 I think what is going to happen is that slowly the subsidiary is going to start coming into profit and it will reduce the amount of the subsidy. One of the things that I am very clear about is that, if the time comes when GBC becomes commercially viable by its subsidiary's activities, then GBC should stop competing in advertising with other entities that may be in the advertising space, like other television stations.

1425 The hon. Gentleman knows that there is now a digital network being established which will allow other television stations to be licensed, other media, newspapers etc, so that the entity that enjoys public funding or has enjoyed public funding to set itself up should not then, once it is becoming a commercial actor, also through its subsidiary, enjoy competition in the advertising space with those that have not enjoyed that largess.

1430 So in a moment or at a time in the future when the subsidiary is making profits sufficient to dividend up the amount of the subsidy, the subsidy disappears.

1435 **Hon. P R Caruana:** And those commercial activities, can the hon. Member say, in summary and in broad brush, what are the nature of those activities? Are they programme production? Are they hosting other people's broadcasts to their infrastructure? What sort of things.

**Hon. Chief Minister:** Mr Speaker, I think I gave an indication of what they would be when I gave my Budget address.

1440 Gibraltar Entertainment Network Ltd will produce either music, television or film productions in Gibraltar. That will mean that those are owned in Gibraltar with the commercial advantages those will give the people who produce them, namely Gibraltar's corporate structure, Gibraltar's treatment of royalties etc. So they will be producing programmes for other networks in the world or for private production companies. So in effect, it is a studio in Gibraltar to do much as studios do elsewhere in the world, with the production agents here making profit from that work and, in some instances, perhaps enjoying a share in the royalties that are paid in respect of what is produced. That should produce the profits to minimise the subsidy.

**Hon. P R Caruana:** But producing programming for GBC or always for third parties?

1450 **Hon. Chief Minister:** Producing programming for third parties. It may be that part of the contract to produce the film or the serial may also involve, in some instances, an opportunity for GBC to put that programme on, at some stage in the future, usually not as the first party to transmit it. That would be the commissioning station and it may be possible, by negotiation, for GBC to obtain rights to transmit that programme at lower cost than if perhaps they went and bought those in these media fairs where they buy TV series and TV films.

1455 But the idea is to use Gibraltar to produce for third parties and to give GBC an opportunity to be part of the company that does that.

1460 **Hon. P R Caruana:** So they are not doing any of the things that GBC does now – not producing local programming, not taking over responsibility for example for news production *à la* ITN in England, which then sells it out to other broadcasters?

1465 **Hon. Chief Minister:** No, Mr Speaker, but what I would say and only as a result of his question, is that it is possible that GBC may use the studios in some instances for its own productions. So if there is a splendid studio which is not being used on a particular night and GBC want to film something, a viewpoint for example or an audience participation programme which they might not have room to do where they are, they may use the studio – but that would be GBC itself, happening to use the studios that belong to GEN and there might even be an agreement in respect of an internal accounting procedure for that and it may be that GEN is commissioned by GBC to produce something for it, but in those instances, I would imagine it would have to be at arm's length.

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**Internet photographs of Spanish policemen  
Request for removal**

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**Clerk:** Question 1006, the Hon. P R Caruana.

1480 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say if the Government has requested of those that posted them, the removal from the internet of photographs of Spanish policemen on duty at the Spanish side of the frontier and if it has not, does it intend to do so?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have personally made the request.

1485 **Hon. P R Caruana:** Mr Speaker, two supplementaries: firstly, was that, as reported in the Spanish and local press, at the request of Campo Mayors and things; and has his request been heeded?

1490 **Hon. Chief Minister:** Mr Speaker, it was not as a result of a letter which the Mayor of Algeciras, I have read, says he has sent me, although I have read the letter that he purports to have sent me in the media and no such letter has arrived at No. 6 Convent Place.

1495 But before then, I had taken the step of writing to one of the members of the group and asking for this. I am not yet aware of whether or not all of these pictures have disappeared. I think some of them have, but given the nature of the internet, I think there has been a proliferation of them and even if the main source picture is now pixelated, others may not be, so I cannot give him any certainty in that respect.

**Dispute with Spanish fishermen  
Matters relevant to resolution**

1500 **Clerk:** Question 1007, the Hon. P R Caruana.

1505 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what matters, other than (i) the supposed re-establishment of the rule of law and (ii) environmental sustainability, does the Government consider relevant to the resolution of the current fishing dispute with Spanish fishermen?

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

1510 **Chief Minister (Hon. F R Picardo):** Mr Speaker, those are the two issues to which we will have primary regard.

1515 **Hon. P R Caruana:** Yes, Mr Speaker, the hon. Member will of course recognise his last answer to me in my question, in which he said that he would take into account the supposed – no, the ‘supposed’ is mine, of course – the re-establishment of the rule of law which he believes to be at stake and also environmental sustainability. Then he went on to say, ‘and such other considerations as the Government considers to be relevant’. So I am asking him what those other relevant considerations are. Obviously, these two are the primary ones, but since he chose to add the limb ‘and other relevant considerations’ to his last answer to me, I think it is legitimate to which I asked for a written answer because I was away from Gibraltar, I am now asking him what they are.

1520 He should not assume that I do not believe that there are others that he should take into account. I believe there *are* others that he should take into account.

1525 **Hon. Chief Minister:** Mr Speaker, what I said in my written answer was that the Government would also have regard to such other matters that it may consider appropriate. Now, the fact is, Mr Speaker, that, as the hon. Gentleman may know we are awaiting any day now the report from the expert in fisheries that was commissioned by the Government some time ago, which will address the issue of environmental sustainability. We do not need much more to persuade us of the importance of re-establishing the primacy of the rule of law and other matters may become relevant, Mr Speaker.

1530 At the moment, although there are issues which may appear to be relevant, we are not yet at decision point, because we do not yet have the report. A number of other issues may of course be relevant.

1535 I will tell him what will *not* be relevant, Mr Speaker, because I think it is important that we set this on the record. What will not be relevant will be the length of the frontier queue. What will not be relevant will be the belligerence with which Spanish politicians decide to address their remarks to Gibraltar. I think it would be common ground across the floor of the House that the incumbent of the office at No. 6 Convent Place and his Ministers in Cabinet should be making decisions about what they think is in the best interests of Gibraltar, with all of the considerations that are relevant to that – and we may disagree on that, on what those are, but certainly with those considerations in mind – not under any pressure, actual or ostensible, from people who may be sitting in Madrid, fiddling their fingers and deciding that there should be a longer queue or otherwise.

1540 **Hon. P R Caruana:** Well, Mr Speaker, I entirely agree. Leaving to one side our difference of opinion about how this issue arose and whether it should have arisen, having arisen I accept that there is no

question of the Government of Gibraltar being dictated to under pain of border queues. That is unquestionably correct.

1545 But Mr Speaker, can I recommend to the hon. Member that when they have found a solution to this, they should not underestimate the importance to Gibraltar in the past, as a by-product of good cross-border relations, of the support that a large body of Spanish citizens in the Campo area have been to Gibraltar on many issues even with their own government. There have been issues like border queues and things of that sort and other issues, where the degree of support for the Gibraltar position, because it coincided with their interests, was important to Gibraltar. He ought not to overlook that fact, when he comes to implementing a solution – because as he must be aware, to the extent that this is being sold in a certain way in Spain, or this is being projected in a certain way in Spain, the victims are from that very community that has, in the past, been the most helpful one to us, namely the Campo and they are reading that as lack of friendliness from Gibraltar to the Campo population – which I do not say it is, but that is how it is coming across.

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So one of the relevant factors that he may take into consideration, in addition to allegedly establishing the rule of law and environmental sustainability to the extent that arises, is a desire which I think is in Gibraltar's interests to re-establish good will with the people of the Campo area at the earliest opportunity.

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**Hon. Chief Minister:** Can I tell him, Mr Speaker, that actually there is a lot of good will for Gibraltar in the Campo, despite what it may appear in some pages of newspapers that may have their own agenda to fulfil with the government that is finally paying the amount that was due in respect of historic debts of advertising. So it is not everything that one reads in the newspapers in the Campo area that reflects the feeling of people in the Campo; there is actually a large constituency of people that are in touch with us who reflect that actually we are doing a very good thing in respect of fishing. That may be not the majority.

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There is also a very large number of people in the Campo who consider that whatever the issues between Gibraltar and Spain, they should not be resolved in the manner that the Madrid Government appears to want to try and resolve them. He will know, and I think it is no secret, that I enjoy a very strong relationship even with the Mayor of the town most purportedly affected by the issue of fishing and who is able to see beyond that issue and the common interest between Gibraltar and the Campo. The figures speak for themselves, whether there are 7,000 or 10,000 Spanish cross-frontier workers in Gibraltar – because of the numbers of non-registered workers being something that we can only ever guess at – the fact is that there are many more than 53, and there are only 53 fishing boats in La Línea that are purportedly affected by this. I am reliably informed that of those 53, there are actually only 10 in operation and not all of those 10 have ever wanted or needed to come to Gibraltar.

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Setting it in its proper context like that, as some of the people across the way who are mature and look at this carefully and understand the issue, is not one simply for rhetoric but one for co-operation in everything where it is possible to work together, then I think one comes to the conclusion that there are opportunities for understanding well beyond those that the emptiest and loudest vessels across the way may suggest.

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**Length of Questions  
Ruling by Mr Speaker**

1590 **Clerk:** Question 1008, the Hon. –

**Mr Speaker:** Before the Hon. the Leader of the Opposition asks this Question, I want to draw the attention of hon. Members to the Rules and in particular Standing Order 17(1)(i), where it is stated that a Question shall not be of excessive length.

1595 In my view, this particular Question is *not* of excessive length. I repeat it is *not* of excessive length, since it contains a lengthy preamble. However, I would not want this to be cited as a precedent, should any hon. Member in the future wish to ask a Question of similar length.

1600

**Gibraltar's interests, rights and responsibilities  
'New ways' of co-operation with UK**

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



1605 **Hon. P R Caruana:** I am obliged, Mr Speaker.  
Mr Speaker, the United Kingdom Permanent Representative at the United Nations recently told the Fourth Committee that:

1610 'The United Kingdom therefore stands ready to explore new ways of taking forward dialogue and co-operation on issues of mutual importance by any means that fully reflects the interests, rights and responsibilities of the people of Gibraltar'.

The question: will the Chief Minister confirm that it is the policy and position of the Government that to be acceptable to the Gibraltar Government such 'new ways' would have to be (i) trilateral, in the sense that the Gibraltar Government would have to be present in its own right, (ii) not expose Gibraltar to the possibility of agreements being reached against the Gibraltar Government's wishes, and (iii) not be pre-determined on any issue of Sovereignty?

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

1620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I can confirm that (i) and (ii) are among those that we would consider a '*sine qua non*'.

As for (iii), the policy and position of the Government is that we will not engage in *any* negotiation, dialogue, discussion or co-operation on *any* issue of sovereignty, whether or not pre-determined or otherwise. The policy and position of the Government is that we will only ever discuss the sovereignty of Gibraltar with the UK Government.

1625

I would also remind this House that the United Kingdom has also repeatedly stated that it remains strongly committed to the Trilateral Forum for dialogue. That is also the position of Her Majesty's Government of Gibraltar.

1630 **Hon. P R Caruana:** Well, Mr Speaker, I accept that the first two are the important ones and the third, which is an important part of the architecture of the trilateral process, reflects what the trilateral process came out of, in terms of succeeded, which is a process that was said to be about sovereignty and not so much the Hon. Chief Minister, but certainly the Hon. the Deputy Chief Minister will recall that in those days the complaint about Brussels was that it was pre-determined about sovereignty. The position then was not that we would never talk about sovereignty, not that we said that we would, but Gibraltar's position was certainly we will not take part in any pre... That is why that language persists, that it was a policy of the Government not to discuss sovereignty in any architecture of dialogue and regardless of the purpose even if...

1635

The danger with that position of course is that you forfeit the opportunity to persuade Spain to drop its sovereignty claim, because of course that would require you to get too involved in a discussion about sovereignty. But still, I get the drift and it is I think a position on (i) and (ii) and, subject to my last quip, also on (iii) across the House.

1640

Can I just ask a supplementary about the United Kingdom's choice of words, 'that fully reflect the interests, rights and responsibilities of the people of Gibraltar', which I think first emerged at the United Nations, if I am not mistaken.

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Mr Speaker, the 'interests' is a careful choice of word, as opposed to the 'wishes', because the United Nations language, at Spain's insistence is 'interests', whereas we think that what needs to be reflected is our wishes, not just our interests. The second is 'rights'. These are things which would have to be present, reflected in the architecture of this new way as far as the UK is concerned. The second is 'rights', so I urge the hon. Member to exercise caution with the use of that word, because we do not know what 'rights' means. 'Rights and responsibilities', if they mean constitutional rights and responsibilities, then of course we do not have a constitutional responsibility for external affairs; but that is not to say that it will be acceptable that the new way of dialogue should leave the UK and Spain free to discuss between themselves, for example, sovereignty because it is an issue of external affair for which Gibraltar is not responsible.

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Thirdly, 'rights' is a matter of course that is rights as per the Constitution presumably, which is a less controversial one. The difference between us and the UK on that is limited to the question of whether Utrecht curtails the right to independence or not.

But specifically, the UK's decision to use the word 'interests' and not 'wishes', and 'responsibilities', which exclude external affairs for which the people of Gibraltar are not responsible, I think is something that we need to just keep an eye on, to make sure that no process of dialogue... Of course we have the overarching and very valuable commitment never to discuss sovereignty against our consent, which is a pretty important block, but that there should be no question that a new way could be found and implicitly acceptable to the UK which was bilateral in respect of those matters that were not the responsibilities of the people of Gibraltar, because that is precisely what we do not want them to talk about.

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1665

1670 **Hon. Chief Minister:** Well, Mr Speaker, I think that we have all taken the view in this House and I am sure it is common ground that any contact between the United Kingdom and Spain on any matter which relates to Gibraltar is a matter on which there must be consultation with the people of Gibraltar, even if it is tangential. There can certainly be no bilateral engagement on anything meaningful, but because of the European Union being as it is, you cannot say to the United Kingdom, ‘You cannot have a bilateral engagement with Spain on any matter involving Gibraltar,’ because every EU matter involves Gibraltar. Therefore, there is that element of nuance, with the very clear caveat that anything that is going to affect Gibraltar must be consulted with the Government of Gibraltar and Gibraltar must lead on all the aspects that relate to that issue.

1675 But I think we have said on a number of occasions across the floor of the House – and it is important to say it as often as we can – that bilateralism is dead. That does not just mean in relation to sovereignty; it means in relation to all matters which are relevant.

1680 Now, the hon. Gentleman has not referred to the word ‘aspirations’ and I will come to that in a moment because it is going to be relevant when I answer his next Question, but it is also going to be relevant to this. The fact is that I think he said that sovereignty is an external affair. Did he say that? Did he say sovereignty is an external affair? Because if he did, I do not agree that sovereignty is an external affair; I think that sovereignty is actually a very internal affair, because it affects the architecture of the state and therefore the idea –

1685 **Hon. P R Caruana:** It is vested in the UK.

1690 **Hon. Chief Minister:** That is right. It is vested in the United Kingdom, but as we have discussed earlier today and people will see us say –

**Hon. P R Caruana:** Do they agree?

1695 **Hon. Chief Minister:** – the Queen in this set-up is the Queen of Gibraltar, as our coins reflect, and therefore nobody would be able to do anything in relation to the sovereignty of Gibraltar without consulting the people of Gibraltar, however spurious the argument they might be able to come up with, that it is a foreign affair.

1700 I recognise the need to be careful with these three words. They are very important words and they are not put there by the United Kingdom for nothing. There is a more important word than ‘interests’ and that is ‘aspirations’, and that is a different word for ‘wishes’. That word has made its way into the consensus decision that was put in the full Committee. I think it made its way into that wording post the Trilateral. The hon. Gentleman will recall that the consensus decision has really been the same for many years; the Trilateral was the thing that changed it, after the 1984 Brussels Declaration.

1705 That change into the wording imputed the word ‘aspirations’ into the consensus decision and that is really a very, very important reference because ‘aspirations’ means ‘wishes’ and therefore the General Assembly, since 2007 I believe, has been talking about ‘wishes’ by using the word ‘aspirations’. That is the overarching principle and I think nobody will ever be able to persuade any Member of this House, current, past or future, that anything other than the wishes and aspirations of the people of Gibraltar were going to be relevant to the future of Gibraltar and if anybody thinks in London or New York – and I do not think that there are such officials nowadays in the Foreign Office – but if anybody thinks that by introducing words like ‘interests, rights and responsibilities’, that it might be possible in some way to conject a doctrine that allows anything to go on without the Government and the people of Gibraltar being involved, then they are, in my view, taking a long walk off a short pier, because the people of Gibraltar are the ones who are going to determine who is the Sovereign in Gibraltar. That is very much an internal constitutional matter in Gibraltar and now even the United Nations in its consensus decision is imputing the word ‘aspirations’, which is to bring in, finally, the concept of the wishes of the people of Gibraltar into the equation.

1710 That is in my answer to his next Question. If he likes, if I answer that, then we have got that language in and we can carry on... I was going to say the debate, but I had probably say the questions and answers.

1720 **Mr Speaker:** Yes.

1725 **Hon. P R Caruana:** Well, Mr Speaker, my concern is not... Clearly, current ministers in the United Kingdom would not countenance any outcome based on the clever interpretation and use of these words, but because they are now enshrined in the United Nations, we just do not know what governments of what political colours, advised by officials different to the ones that are in post today, might make and it is very important that it should not be said in the future, by a different set of ministers and a different set of officials, that this formula of words allows, for example, the United Kingdom and Spain to restore a bilateral process of dialogue, because they are limited to things that are not the constitutional

1730 responsibility of the people of Gibraltar. I accept, by the way – as I always did to the UK and it is obvious – that the Foreign Secretary is responsible for our external affairs and, therefore, there will be many occasions on which, in the margins of other bilateral ministerial meetings between the UK and Spain, the question of Gibraltar will arise and the Foreign Secretary cannot be prohibited from talking bilaterally to Spain about Gibraltar.

1735 But this statement is not about casual ministerial amongst many other issues... It talks about:

‘the United Kingdom therefore stands ready to explore *new ways of taking forward dialogue and co-operation* on issues of mutual importance by means that fully reflect...’

1740 In other words, they are willing to do it by any means that fully reflect the interests, rights and responsibilities of the people of Gibraltar, so that in the future, someone might seek to interpret that to mean that in respect of something that is not the responsibility, we do not need to... we are not constrained into what architecture of dialogue the UK might agree.

1745 I agree with the hon. Member’s assessment that any such concern is completely premature and unfounded today, but in establishing this new doctrine, doctrinal language, I think it would be good that we record in Parliament and, perhaps, as the Government of the day, record that this interpretation would not be available and is not what these words should be thought to mean.

I hope it is of some help to him.

1750 **Hon. Chief Minister:** Mr Speaker, I think it is important to record the unity of this Parliament in that respect. I think it is fundamentally important that whoever came up with that phrase understands that if they did intend that it could ever give rise to such an eventuality, they are absolutely wrong to think that the Government and people of Gibraltar and this House united would not seek to prevent them from doing so.

1755 And can I also say, Mr Speaker, that the hon. Gentleman has said that, of course, there are instances when the Foreign Secretary may find himself speaking to the Spanish Foreign Secretary in the margins or during the course of a European meeting and cannot be expected to not be able to engage to that extent with his counterpart; but when he does so, Mr Speaker – and I am sure this was his position – he does so as *our* Minister for Foreign Affairs in the same way as the Minister for Defence engages on all matters also as *our* Minister for Defence, with responsibility for the United Kingdom *and* Gibraltar, etc.

1760 That is the constitutional position. It is not that we do not have a Minister for Foreign Affairs or Defence; it is that those matters and Ministers are people who advise Her Majesty. On those matters Her Majesty is advised by Mr Hague and Mr Hammond today. Now –

1765 **Hon. P R Caruana:** If the hon. Member will give way. If he will allow me to interpret him, that that was one of the points that we were unable to succeed on in the constitutional negotiation. In other words, we wanted the Constitution to reflect that the Foreign Secretary would conduct our foreign affairs in accordance with the instructions, or words to that effect, or wishes of the Government of Gibraltar and they said no, no, no. So that was one of the few failures on things that we were unable to obtain. So they are unlikely to agree now on the basis that the hon. Member is in effect saying the same thing now!

1770 **Hon. Chief Minister:** Well, Mr Speaker, that demonstrates one of the important steps there still could be for us to take constitutionally of course which brings us to an earlier debate but Mr Speaker, whether or not it is enshrined in the Constitution that that is the position, that is actually the position because what a Minister does, of any Crown, is advise the Crown in respect of the matters for which he has responsibility. So the Foreign Secretary would be advising Her Majesty directly and I think we see it in the way that Warrants are done for Judges etc where in the old days, I do not know whether it is still the position, the Foreign Secretary would sign a Warrant on the advice or as a delegated power from Her Majesty. So that constitutionally must fit into this framework but there is no question, Mr Speaker, of anybody being able to pretend that this language is going to advance the cause of those who might be able to wind a way round the double lock that has already been secured or the Trilateral Forum that has already been secured and which the United Kingdom, Gibraltar and the principal party of opposition in Spain remains strongly committed to. I tell you one party, one of the principal parties in Spain that does remain strongly committed to the Trilateral Forum.

1785 **Hon. P R Caruana:** And Mr Speaker, if I can just conclude by saying that that last articulation by the hon. Member which I will not repeat, is the position around which this House and Gibraltar’s politicians should unite as being our common position. And I think that is a position that fully fits into the policies of both parties and I think is a strong position for Gibraltar to stand on and defend together.

1790 **Hon. Chief Minister:** Well, Mr Speaker, I think it is something which has been clear for some time. It is not anybody having to change their position for us to achieve that convergence, so I am delighted that it is possible to now distil from our position (*Interjection by Hon. P R Caruana*) (*Interjections*) a prominent position, because of course when a position is common, it is possible to do it across the floor of the House and distil it, but when it is stretched and trying to serve a party political purpose, you know  
1795 people who try and do that should really at least take the precaution of picking up the phone to try and do it.

1800 **United Nations consensus decision on Gibraltar**  
**Text this year**

**Clerk:** Question 1009, the Hon. P R Caruana.

1805 **Hon. P R Caruana:** Yes, finally, Mr Speaker, will the Chief Minister say what has been the text of this year's consensus decision on Gibraltar in the United Nations and will he lay a copy of it in this House?

1810 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Well, Mr Speaker the text of this year's consensus decision on Gibraltar in the United Nations is as follows – and I am going to read things that I do not like, so nobody should think that this is my position or the position of anybody in this House, but here we go:

1815 'The General Assembly, recalling its decision 66/522,  
(A) Urges the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland, while listening to the interests and aspirations of Gibraltar, to reach, in the spirit of the Brussels Declaration of 27 November 1984, a definitive solution to the question of Gibraltar, in the light of the relevant resolutions of the General Assembly and applicable principles, and in the spirit of the Charter of the United Nations;  
1820 (B) Takes note of the United Kingdom's desire to continue with the Trilateral Forum for Dialogue on Gibraltar;  
(C) Takes note of Spain's desire to replace this Forum with a new mechanism for local cooperation in the interests of social wellbeing and regional economic development, in which the people of the Campo de Gibraltar and Gibraltar are represented.'

1825 That is the text of the decision.  
Mr Speaker, I believe that this has been aired publicly in New York. (*Interjection*) No, I agree. I even believe there might have been an article in one newspaper that reflected it. We have not been able to find it in the source material of the United Nations and therefore making it publicly available by laying it in this House is an option I considered at the invitation of the questioner, but I have no document to lay in this House other than simply the text of this which is now in *Hansard* because I have read it out and is therefore available for anybody who may want to have regard to it. (*Interjection*) Absolutely. Anybody who may want to have regard to it.

1830 **Hon. P R Caruana:** Mr Speaker... Sorry, did he finish there? (**Hon. Chief Minister:** Yes.)  
1835 Mr Speaker, I presume the consensus decision has now been adopted at the United Nations. Is it not most unusual? Is he aware what the reason might be? I know it took much longer to negotiate this year, for obvious reasons – the spat about the Trilateral Forum and the references to it – but it is most unusual that it is just *not* available... I have not been able to find it on the UN sources; it is not reported in the Gibraltar press, by which normally it has been. (*Interjection*) Yes, in other years, it has been reported and I just wonder whether the hon. Member can cast any light on what might be the reason for the lack of visibility about the decision this year.

1840 **Hon. Chief Minister:** Well, Mr Speaker, he may find this peculiar, but in the time available, I have not been able to get a clear indication of what the failure of publication relates to.  
1845 One can speculate with a thousand different reasons why this may be the case, but if it is any consolation, I am endeavouring to find out why this is not already available on the UN website, as would usually be the case, and I am quite happy to share with him that information when I have it, because I think our common experience has been that, in the week after we have returned to Gibraltar, there is usually a press release from New York that deals with a lot of the representations made and the consensus decision is usually carried in that press release and is then accessible, as are all the previous years' consensus decisions accessible. So as soon as I know why this has happened, I will share that with him.

1850 I know that the United Nations itself has had a difficult time with shut-downs because of storms and you know that there is a refurbishment now going on in the building, etc. I do not know whether that is

1855 the issue because the Security Council still continues in operation, but whatever it is, we need to know why this has not been published and whether in fact more of the work of the Fourth Committee has not seen the light of day.

1860 **Hon. P R Caruana:** And my final supplementary with your indulgence, Mr Speaker, is this: when I was doing the job that he now does, I used to be intrinsically involved, not always getting my own way, but certainly heavily consulted and participated in the negotiation with the UK of the language of this whenever any change was produced, or when Spain wanted change and proposed it to the UK. In other words, the UK, by smokes and mirrors, would involve us.

1865 Can I ask the hon. Member whether he has been involved in the re-jigging of the language this year, following the *PP's* unilateral withdrawal from the Trilateral Forum? Can he say that – aside of his disagreement, which I share, with the continuing reference to the Brussels Declaration which I was never able to obtain the removal of – that he is satisfied with it? Clearly, it does not reflect the Gibraltar Government's position, which is that the Trilateral Forum is still extant, even if one party of it is refusing to approach its Chair and therefore cannot be convened.

1870 Was there an attempt to continue to leave the reference to the Trilateral... or did Spain simply refuse? Can he say something about the degree and extent of his involvement in the language that has ended up on this piece of paper?

**Hon. Chief Minister:** Mr Speaker, the position has not changed. The United Kingdom has continued to consult the Gibraltar Government on these issues.

1875 These are issues which leave a very bad taste in the mouth, because one is asked one's opinion and one's opinion is clear and then that is not reflected, of course, in what emerges. From what I am about to say now, please, nobody should for one moment read any happiness with the text as it is, because it has so many hostages to fortune in it – not just the reference to the Brussels Declaration, but simply the structure of the whole thing, the contradictions between references to aspirations and then the letter of the Brussels process and then just talk of the spirit of the Charter etc. This is not a document that any Gibraltar would draft or would want to see drafted. It is the product of diplomacy.

1880 I can tell him that we were consulted on it. I can tell him that one of the issues was – and I imagine this could have been the subject of conjecture, it does not require me to confirm it in this House – that Spain no longer wanted there to be a reference to the Trilateral, but of course the United Kingdom's position in respect of the Trilateral has been made very clear and is exactly the same position as the position of the Government of Gibraltar, as our continued strong commitment to it, and there was the benefit as he will know, of the previous consensus decisions that already referred to the Trilateral and which the General Assembly had adopted.

1885 Therefore, our view expressed to the United Kingdom was that if Gibraltar and the United Kingdom felt strongly about something and Spain felt strongly about something else which might be contradictory, then the best way to deal with it might be by way almost of having preambular paragraphs that set out the position of each of the parties.

1890 To an extent, that is what is reflected there by, in (B) and (C), setting out the position of the UK and the position of Spain. But even the position of the UK is not as he and I would have drafted it, because we would have liked to have seen it drafted in much more trenchant terms and I am sure that they could not stop us if they gave each of us a red pen, writing in the unqualified right of the people of Gibraltar to self-determination, etc.

1895 This is unfortunately not that sort of document, but it reflects consultation with us and, despite that, does not reflect what we would have liked to see, even in a diplomatic compromise.

1900

### Adjournment

1905 **Clerk:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to tomorrow at 4.00 p.m.

1910 **Mr Speaker:** I will now propose a question that this House should now adjourn to tomorrow at 4.00 p.m.

I will now put the question, which is that this House do now adjourn to tomorrow at 4.00 p.m. Those in favour. (**Members:** Aye.) Those against. Carried.

1915

This House will now adjourn to tomorrow at 4.00 p.m.

*The House adjourned at 5.45 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.00 p.m. – 6.50 p.m.

Gibraltar, Friday, 16th November 2012

## The Gibraltar Parliament

*The Parliament met at 4.00 p.m.*

[MR SPEAKER: Hon. A J Canepa GMH, OBE *in the Chair*]

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

## Questions for Oral Answer

5

### ENTERPRISE, TRAINING AND EMPLOYMENT

10

#### **Defence Transfer Advisor Advertisement; academic qualifications**

**Clerk:** Sitting of Parliament, Friday 16th November.  
Answers to Questions continue. Question 978/2012, the Hon. D A Feetham.

15

**Hon. D A Feetham:** Mr Speaker, can the Minister for Employment state why the vacancy of Defence Transfer Advisor was advertised externally to the GDC and why no academic qualifications were a necessary requirement for the applicants?

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

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this Question together with Questions 979/2012 to 984/2012.

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**GDC employees  
Vacancies; grades, terms and conditions; HR Manager  
Question 984/2012 withdrawn**

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**Clerk:** Question 979.

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**Hon. D A Feetham:** Mr Speaker, can the Minister for Employment confirm that a selection board interviewed candidates and made a recommendation in relation to the vacancies advertised earlier on in the year in the GDC in respect of four information officers, one vacancy in accounts and one of coach park attendant?

**Clerk:** Question 980.

40

**Hon. D A Feetham:** Will the Minister for Employment state whether the Government has made a decision on whether GDC and former GDC, Civil Service, ring-fenced staff will be able to apply for each other's vacant posts?

**Clerk:** Question 981.

45

**Hon. D A Feetham:** Can the Minister for Employment state whether GDC employees working in the Housing Department will be offered the same package as civil servants have been offered for surrendering their status if the Department or parts of it transfer into an agency?

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**Clerk:** Question 982.

**Hon. D A Feetham:** Is there any intention on the part of the Government to replace GDC grades with the same grades that are currently used within the Civil Service?

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**Clerk:** Question 983.

**Hon. D A Feetham:** Can the Minister for Employment please state when the GDC is likely to appoint a Human Resources Manager for the GDC?

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**Clerk:** Question 984.

**Hon. D A Feetham:** Can the Minister for Employment explain why he refuses to recognise... In fact, Mr Speaker, I am withdrawing this particular Question, so it is only until Question 983.

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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, existing posts are normally filled by internal promotion. The practice over the last four years has been to advertise vacancies both internally and externally. Newly created positions are recruited externally when there is a specific requirement, which in this case was previous experience of dealing with MOD transfers of assets and services. To my knowledge there is no academic qualification on such MOD transfers. The recommendation of any selection board that interviews candidates is an internal matter for the GDC.

75

As regards GDC staff, the situation remains as communicated to them in a meeting held at the John Mackintosh Hall on 30th January 2012. The GDC employees deployed to the Housing Department do not have Civil Service status. The grades have been the same in the GDC and the Civil Service since the GDC was reinstated on 9th December 2011.

No decision has been taken in relation to the position of a GDC HR Manager.

80

**Hon. D A Feetham:** Mr Speaker, just dealing with Question 978 and the answer that the Hon. the Minister for Employment has given me in relation to that Question, can the Minister please confirm that, in fact, he undertook, to a meeting in the John Mackintosh Hall of GDC employees, that all advertising for vacancies within the GDC would be advertised internally and that it would not go externally to any high flyers? Can he confirm that that was an undertaking that he gave to the GDC employees?

85

**Hon. J J Bossano:** Well, not as the hon. Member has expressed it, because as far as I am concerned, I do not know anything about high flyers or low flyers.

What I did tell them was that the policy was that all internal vacancies that are promotions... That is to say if we have a job in the GDC and the person who is there goes, and we decide that that post is



90 required, then provided the number of posts at that grade remains the same, before anybody is brought in from outside to fill such a post it will be advertised internally.

Of course, the GDC does not have and has never had an existing establishment like jobs in the Civil Service have, nor do any of the agencies or authorities created by the former administration, as has been stated by them publicly in this House. So the position is that, for example, if somebody who is occupying a position in the GDC is placed in another Department, it is not that the position has become vacant; it is just that the person takes the post to somewhere else. So there are, for example, persons who were in the Employment Service now somewhere else and the post is still filled, but somewhere else. That is not a vacant post that would be advertised, but if the person were to leave the service a decision would be taken as to whether we require that number of people at that grade, and if it was required, initially it would have to be filled internally, and I would expect it to be the case that there will be sufficiently experienced internal applicants to fill it.

**Hon. D A Feetham:** Mr Speaker, I think I have understood the answer, but so that I understand it, by way of clarification, is the Hon. the Minister for Employment drawing a distinction between a vacancy that arises as a consequence of an internal post, an existing post that becomes vacant, and a vacancy that is created as an additional post? Is he saying that, effectively, in relation to the former, that goes internally to the GDC, and in relation to the latter, that will be open to applicants from the outside, depending on the nature of the post? Is that what he is saying?

**Hon. J J Bossano:** For example, there are a number of posts that have been added to the GDC. I think the hon. Member has to remember that the GDC itself is a supplier of labour. That is to say there are people who are employed in the GDC but do not carry out a function *for* the GDC; they carry out a function either in the Tourist Office or in the Treasury or in the Education Department or the Financial Services.

So a number of posts have been created recently in the GDC, which are to do with regulatory work in relation to gaming, and the people who have been brought in have been brought in filling those posts, but not from internal recruitment in the GDC. I would expect that the people in the administrative structure – where effectively they are generic skills and you can move somebody who is an HEO from one area to another area, doing HEO work, and basically there should be no problem in the work being done – that if one of those posts became vacant, you would expect that the next level up, of EOs, throughout the GDC can apply, independent of where the HEO is. We have an example in the Tourist Office, where the person who took the job was an EO in the Employment Service, but it was a GDC HEO which was open to GDC EOs only. I would expect that it would be extremely unusual that for any of those posts we could find nobody internally, because I am told people act up all the time and they are experienced and they know the job.

**Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister confirm that, in fact, there is a minimum entry requirement to the GDC of a couple of O-levels or GCSEs?

**Hon. J J Bossano:** I cannot confirm that. I do not think that, when we recruited AAs recently, we put a minimum entry requirement.

**Hon. D A Feetham:** Mr Speaker, my understanding – and of course I am not going to push it if he is not aware of it – is that, for Grade 1s within the GDC, the minimum entrance requirement is a couple of GCSEs or O-levels. But the question is this: if there is such a requirement – I would say there is; the hon. Member is not aware, but if there is –

**Hon. J J Bossano:** I am saying more than that: I am saying I do not think there is. I can certainly say with certainty that there has not been, because I know a lot of the people they have got in the GDC who have not got them, who were there already when I arrived.

**Hon. D A Feetham:** If there is a minimum entry requirement for Grade 1s within the GDC, does he not agree with me that it makes very little sense indeed for there to be a minimum entrance requirement for Grade 1s of a couple of O-levels, but then no minimum entry requirements, in terms of academic qualifications, for somebody for a post such as this, as Defence Transfer Advisor?

I take the point that you have made, that Defence Transfer Advisor may have... one was looking for other (**Hon. J J Bossano:** Skills.) skills, but the point that I am making is if you have a minimum entry requirement for Grade 1s, shouldn't it also apply across the board, or certainly higher than Grade 1s?

150 **Hon. J J Bossano:** I do not think it necessarily follows. It depends on the nature of the content of the job. If you had a guy who was an excellent musician but had no O-levels, then you would not say, 'Well, I am not taking him,' and therefore he cannot enter into the Culture Department without O-levels, even though you may have somebody else who does not know how to touch an instrument but has the O-levels. It depends on what you are looking for, because what you are paying for is the work that is required of the incumbent of that post.

155 In any event, I have not introduced a requirement for two O-levels or two GCSEs, and I know beyond doubt that of the 160-odd persons who were there, there were very many who did not have them. They managed to get in before without them, so clearly it has not been the case that between 1996 and 2011 there has been such a requirement; otherwise, those people should never have entered into employment. I have not introduced them, so it is not an irrational deduction that if they were not there and I have not introduced them, then they do not exist.

**Hon D A Feetham:** Mr Speaker, I think that there were O-level equivalents – HND or NVQs.

165 Mr Speaker, I do not know whether the hon. Gentleman was in fact here when I asked a Question about the Defence Transfer Advisor to the Chief Minister, and asked him– this was before there had been a public announcement that the individual had been chosen – whether he was aware of the talk about town that an individual had already, even before the selection process had concluded, been earmarked for that particular job and that, in fact, that talk was rife about town. His answer to me was, 'Well, I am aware of the rumour, but you have just elevated it to the House.' Is the Hon. Minister satisfied that the recruitment for the Defence Transfer Advisor was undertaken completely and utterly transparently and properly?

175 **Hon. J J Bossano:** I was not involved in selecting the person, nor appointing the board that selected them. All I can tell the hon. Member is that I imagine it is no less transparent and accountable than what has been happening in the last 15 years when similar rumours were rife every time somebody got a job in the Government.

180 **Hon. D A Feetham:** Moving on, Mr Speaker, to the Answer that the hon. Gentleman has given me to Question 979, where I asked him about whether a selection board had interviewed candidates and made a recommendation in relation to the vacancies advertised in the GDC in the Tourist Office in respect of four information officers, accounts and also the coach park, his Answer, as I understood it, was that recommendations of the board are an internal matter. With respect, does he not agree with me that there is an inconsistency in the approach that the hon. Gentleman is adopting before this House today, and the approach that the hon. Gentleman, the Minister for Tourism, adopted certainly a month ago in relation to the recruitment of other officers within the bus service company, where he had absolutely no qualms in saying, 'This was a recommendation of the board and it was all done transparently, and all I was doing was, in fact, accepting a recommendation of the board'?

How does he correlate the approach by the Hon. the Minister for Tourism, which I commend, and the attitude or the response that the hon. Gentleman has given me today?

190 **Hon. J J Bossano:** I can tell him that the fact that he commends one approach as opposed to the other will have no influence on me, except to think that mine is probably the right one if he commends the other one. But I do not see any contradiction anyway, because as far as I am concerned, if I choose to make public something that is internal to the GDC, I will do it, and if I choose not to, I do not.

195 So what I am telling him is he is not entitled to that information, and I choose not to give it to him.

200 **Hon. D A Feetham:** Can I put this to the hon. Member, Mr Speaker, that in fact what happened was this. The selection board interviewed over 200 candidates. The board made a recommendation to the Hon. the Minister for Tourism in relation to the four vacancies for information officers. The Hon. the Minister for Tourism endorsed that recommendation, sent it to you, to the Minister for Employment at the ETB, and you, as Minister for Employment, overrode that recommendation and insisted that only one information officer would be recruited from the recommendation of the board and three of them had to be Future Job Strategy trainees. That is what I am putting to the hon. Gentleman. What does he say about that?

205 **Hon. J J Bossano:** I say, Mr Speaker, that that is a hypothetical question, which under the Rules I do not have to answer.

**Hon. D A Feetham:** Mr Speaker, Point of Order.

210 **Hon. P R Caruana:** No, just rephrase it.

**Mr Speaker:** You can rephrase your question, surely.

**Hon. D A Feetham:** Did it or did it not happen in that way? That is the question.

215 **Hon. J J Bossano:** The question is, Mr Speaker, that he is making an assumption about something  
happening, and that assumption is based on hearsay, unless he tells me that he has a mole inside the  
system who has told him that story. Therefore, I do not have to tell him what goes on in the  
220 recommendation of a board, and I am not telling him. If tomorrow a board recommends that I employ 20  
people and I choose to employ one, it is my prerogative, as Chairman of the GDC, to do that, and he is  
not entitled to question me why the 19 were not selected or why they were not appointed.

Throughout their 15 years, the policy of the previous administration was that they were here to give  
answers for the things that they did and not to give explanations of every detail of the internal machinery  
of the workings of the Government, and now they seem to have moved from a very clear concept of what  
225 the limits were, to trying to say there is no limit.

You can ask me what is [*inaudible*] in the estimates, what is approved, what is rejected, who applies,  
who does not apply, but the answer is they are not going to get any more information from me than the  
one they were prepared to provide themselves.

230 **Hon. D A Feetham:** I could not help but... One of the points that you made was that you are perfectly  
entitled to override the recommendation of a board, that that is a recommendation – (*Interjection by Hon.  
J J Bossano*) No, I understand that. The point that you made was, ‘I am perfectly entitled not to accept a  
recommendation that a board makes.’ (**Hon. J J Bossano:** Yes. ) Indeed, I would not disagree with that.  
All I am asking is is that what happened in this particular case?

235 He seems to be implying that that is what happened, and I am just trying to get to the bottom of what  
the facts are.

**Hon. J J Bossano:** Mr Speaker, I am entitled to do two things – I am entitled not to accept the  
recommendation, and I am also entitled not to tell the Member whether I accepted it or I did not – and  
240 that is what I am doing.

**Hon. D A Feetham:** Mr Speaker, does he not think that again there is an inconsistency in the  
approach adopted by the Hon. the Minister for Tourism before this House on the last occasion, and the  
approach that the Hon. Minister is adopting today, where the Hon. the Minister for Tourism actually  
245 defended the selection of the recruitment of the managers and... well, certainly of the managers, on the  
basis of, ‘Well, look, I am sorry, but it was the recommendation of the board. I am the Minister, I am  
accepting the recommendation of the board, and it is not a political appointment.’ Now you today come to  
this House and you say, ‘I am not giving you that information.’ So, when it suits the Government, it is  
alright to say that it is the recommendation of the board, but when it does not suit the Government,  
250 because of course the Government has something to hide, the hon. Member obfuscates and confuses the  
situation.

Does he not believe that there is an inconsistency in the approach between yours and the Hon.  
Minister?

255 **Hon. J J Bossano:** No. The only inconsistency, Mr Speaker, is in the approach of the Member when  
he was in Government and the approach that he has in Opposition, but that should surprise no-one given  
the dramatic shift in his approach to politics in general, public debt in particular, and a thousand other  
things when he moved between 2003 and 2007. So he is the expert of inconsistency in the entire 300-year  
history of Gibraltar and that may mean that he feels he is qualified to determine what is an inconsistency  
260 and what is not.

What I am telling him is if I have the discretion to give him information as to what a board  
recommends or not, then I am entitled to exercise that discretion in either providing it or not providing it.  
If he thinks that when I do not provide it I have something to hide, he can well think what he likes; he is  
not going to change what I am going to say.

265 **Hon. P R Caruana:** Mr Speaker, does the hon. Member accept that his lucid statement a few  
moments ago – that he is not willing to provide any information that the previous Government were not  
willing to provide him when the boot was on the other foot – finally betrays what we have been saying  
from this side of the House, that the pretence of the hon. Members opposite to have transformed the  
degree of transparency and openness in Government is the *farce* that we have been saying that it is,  
270 because if all they are willing to do... if their measure of transparency is simply to match and not exceed  
the measure of transparency which they allege afflicted the previous Government, then they, by  
definition, cannot have any inclination to be more transparent.

275 **Hon. J J Bossano:** Mr Speaker, in this particular case that analysis is flawed, (**Hon. P R Caruana:** Oh, I see.) and I will tell him why: because in the 16 years that I was there I never attacked him for being untransparent when he said, 'This is an internal matter and I am not prepared to share it.' I never attacked him once in 16 years, so I am not being inconsistent at all. There might have been attacks in other areas of inconsistency, but certainly I can tell the hon. Member my judgement in whether I should say or not say something, or do or not do something will not be determined by wanting to be more transparent than him.

280 **Hon. P R Caruana:** Mr Speaker, everybody in Gibraltar knows that there is a government within a Government, and that the Government is led by the Hon. the Chief Minister and that the government within the Government is led by him, which he has just demonstrated by saying, 'I am not subject to the Government's transparency policies because I, Joe Bossano, in the 16 years that you, Peter Caruana, were Chief Minister, I never accused you of not giving me information.'

285 Mr Speaker, the question is not what I did to him or what he chooses to do now. The question is that he is a Minister of a Government that pretends and asserts to have hugely elevated the instinct and willingness and transparency, and all I am saying to him is whether he thinks that he is complying with that policy by saying, 'I am not willing to give you any information that you were not willing to give me,' because that is the *same* degree of transparency, for good or for bad, and ergo, by definition, does not equal and cannot equal a greater degree of transparency, which is the policy of his Government.

290 I would have thought, Mr Speaker, the hole into which he has dug himself is self-evident, but no doubt he will try and bluster his way out of it.

295 **Hon. J J Bossano:** I do not need to bluster. It is self-evident that it is not a hole. (*Interjection by Hon. P R Caruana*) It is only evident to him because he would like it to be so, and therefore the hon. Members opposite spend their lives inventing things and then questioning why their inventions do not conform to reality, and this is one example.

300 Of course, the policy of the party in the Election campaign was to improve on the level of transparency or to reduce the lack of transparency in the performance of the previous administration, but if in 16 years I never considered what he was doing to me untransparent, then clearly in this particular area that was not one of the areas that we had identified. There are so many other areas that there is no reason to stick to this one. There are *many many* more areas where the transparency has been transformed overnight, and in all those areas we are all doing the same thing.

305 In this area, where I accepted the legitimacy of the argument from the hon. Member, I only asked him then to be consistent and accept the same legitimacy to me, and they should be consistent with their previous position and accept that we should be accorded on this side with the same discretion that we accepted from them, because I do not remember... I certainly did not do it, and I do not remember other people saying, 'Well, you should be telling us what goes on inside the Government,' whenever that Government was paraded by the hon. Member. The hon. Members were transformed shortly after the Opposition... not at the beginning, because they could not get over the shock of not being in Government, but once they had realised they were in Opposition, they were transformed –

**Hon. P R Caruana:** Not years, that's for sure.

315 **Hon. J J Bossano:** Well, I do not think it took me years to be transformed. If the hon. Member accuses me of the fact that... of not being transformable –

**Mr Speaker:** Can we try to make matters relevant, please, to the questions?

320 **Hon. J J Bossano:** Yes. Well the relevance to the question, Mr Speaker, is that I believe they ought to be consistent with the level of information that they thought was reasonable, and therefore not seek more. But in any way, if they seek it they will not get it.

325 **Hon. P R Caruana:** On a wholly different dimension now, going back to the original answer, Mr Speaker, I think I correctly understood the hon. Member to say that he was free, if 12 people were recommended, to choose to accept only one, and I think that is the proposition to which my hon. and learned Friend, Mr Feetham, agreed. But was this a case of not having had 12 recommended and having chosen to accept one, or any other number less than 12, but rather of having employed people *different* to the people who were recommended; in other words, employing people who were *not* recommended by the board?

330 **Hon. J J Bossano:** No, Mr Speaker. Only three jobs were filled and therefore only three people were employed, so it is not a question of employing them differently or employing different people.

335 **Hon. D A Feetham:** Yes, that in fact is –

**Hon. P R Caruana:** Not the people recommended by the board.

340 **Hon. D A Feetham:** Exactly. Isn't it the case that the board recommends four for the information officer vacancies, another one for accounts and another one for the coach park, and you in fact –

**Mr Speaker:** No – and the Minister.

345 **Hon. D A Feetham:** – and the Minister only accepts the recommendation in relation to one information officer and the other two, because what he does is he says, 'No, the other three information officer vacancies, we are not going to fill them because I am going to have three Future Job Strategy trainees working there'? That is what has happened, and in fact all the answers that he has given us during the course of this afternoon, anybody listening to this debate will have come to the conclusion that that is precisely what actually happened.

350 **Mr Speaker:** Anybody listening to this *question and answer session*.

**Hon. D A Feetham:** Question and answer session.

355 **Mr Speaker:** If you say that it is a debate, I will step in!

**Hon. D A Feetham:** So he might as well just simply confirm that that is the position.

360 **Hon. J J Bossano:** Mr Speaker, the position was that three jobs were filled. The GDC is free to fill one job, two jobs, three jobs, or however many jobs it wants, and it has to give no explanation to the hon. Member as to how many more we would have filled had we taken a different decision. It is as simple as that.

365 The fact that there are existing trainees deployed there, like they are deployed in many other parts of the Government... are people who were there before the vacancies existed and people who can be moved tomorrow to another area of employment, and people who eventually will finish up in the private sector, not in the public sector, (**Hon. P R Caruana:** I understand.) so his analysis is incorrect.

370 **Hon. P R Caruana:** Wait a minute. So what the hon. Member is saying, in fact, is that the two or three jobs that were being covered – let's put it that way – by trainees, were not filled at all. They ceased to exist as posts because the trainees could move on, and if they move on either the jobs are not filled, or they would then be filled permanently by a recruit.

375 **Hon. J J Bossano:** No, Mr Speaker, they do not cease to exist as posts, because as the hon. Member ought to know, since he is the one who created the system, there are no posts in the GDC or in the agencies or – (*Interjection by Hon. P R Caruana*) Yes, posts. There is no structure of posts in the way that there is in the establishment of the Civil Service, and that indeed was one of the arguments that *he* used to persuade *me* of the greater flexibility of what was being done with this idea of employing people outside the Civil Service.

380 Therefore, whereas the Civil Service structure is cast in tablets of stone, and every time there is... We are now filling posts in the Civil Service that have been empty for 10 years. The fact that somebody leaves a job empty for 10 years, one would think normally would be an indication that perhaps there is not a need for it. He knows as well as I do that in the Civil Service a post stays there for however long it is. In the GDC and in all the agencies and all the authorities, this is not the case because there is not an agreed complement of posts. So tomorrow you can have five information officers and the day after you can choose to have one or to have 10, and at the moment we have chosen to have three.

385 **Hon. P R Caruana:** Yes, Mr Speaker, I understand that and I understand that the Government has got management discretion to decide whether to fill posts or not fill posts, but doesn't he understand that we are premising our questions on the fact that the Government made the governmental executive decisions to *advertise* these posts, and therefore the Government had *made* the decision that it wanted to fill four information officer posts?

390 The Government did not say, 'I advertise for the job of information officer – I will decide later how many I want, or one'; the Government said, 'I want four information officers.' Somebody in the Government, presumably the Minister for Tourism, made the decision that the Government needed and wanted four more information officers and *advertised* for four more information officers. So the board then considers applicants for four posts, it makes a number of recommendations, and the hon. Member

only puts one of those people into those four posts, and the other three it fills with trainees who had not been recommended by the board, and all we are saying is...

400 Look, he may want to defend it as being perfectly okay – that would be a different debate – all we are saying is that four advertised posts have been filled, as to one from amongst the people recommended by the board for that post, and as to three by trainees who had neither applied for the posts nor been recommended for them. That must be an incontrovertible statement of fact.

405 That the hon. Member may wish to say, ‘Well, so what? I reserve the right to assist trainees into real jobs in their... and covering for real...’ That is a policy decision which he is perfectly free to take, but at least let’s agree on the basic facts of what has happened.

**Hon. J J Bossano:** No, we cannot agree on the basis facts. He is wrong and it is not a fact, but for me to agree on the basic facts I would have to tell him what I do not want to tell him, because he is not entitled to have that information, which is to say to him exactly what was recommended, and that is what he is trying to get me to say and he is not going to succeed in that, Mr Speaker.

Secondly, these are generic posts. You may title it ‘information officer’, but if it is a grade 1, it is a grade 1 that tomorrow I can switch with a grade 1 anywhere else in the GDC, so it is not the case that you can go in and say, ‘I am an information officer and you cannot move me from here.’

415 **Hon. P R Caruana:** They have a separate job description.

**Hon. J J Bossano:** No. People are graded in grades. There is a question about the grading structure and either they are in a grading structure or they are not in a grading structure, and are people in grading structures interchangeable or are they not. So, either the hon. Member is saying somebody can be a grade 1 or an AA, working as an information officer, which is true; or he is saying no, an information officer is a job that requires specialist skills, which is not transferable, like the MOD land transfer. Well, he is wrong, they are not the same thing.

425 **Hon. D A Feetham:** Just finally on this part and I will move on, does the Hon. the Minister for Employment have anything to say to those three individuals who were selected by the board and that he has effectively vetoed from employment as information officers?

430 **Hon. J J Bossano:** No, I do not have anything to say, because I do not accept any of the statements that the hon. Member makes here, for which he is making himself responsible on the basis of hearsay and on things that they have told him in the street.

But I can tell him one thing: if those three were unemployed, they would have a far better chance of getting another job now than they had before 9th December. That, I can tell him.

435 **Mr Speaker:** Is the hon. Member asking now supplementaries on –

**Hon. D A Feetham:** On a different point.

**Mr Speaker:** On others?

440 **Hon. D A Feetham:** Yes.

**Mr Speaker:** Please do.

445 **Hon. D A Feetham:** Mr Speaker, I apologise, but of course he has answered –

**Mr Speaker:** No, carry on.

450 **Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Employment appeared to say that the Government has taken the decision not to have a situation where GDC employees will be able to compete for Civil Service posts that become vacant that are occupied by former GDC employees. Can he confirm that is a Government decision as a whole? Can he confirm that?

455 **Hon. J J Bossano:** Mr Speaker, I do not know what he means by ‘a Government decision as a whole’. If any Minister takes any decision, then effectively the Government supports the decision of the Minister. I do not know if it was any different when he was there.

**Hon. D A Feetham:** Yes [*inaudible*].

460 **Hon. J J Bossano:** Then let me explain the situation. When the hon. Members decided to discontinue the existence of the GDC, they sent a list to the Public Service Commission of all the people who were in the GDC, and the Public Service Commission was asked to uphold the Civil Service status without the normal requirements of the academic qualifications, vetting, or anything else – just a list, rubber stamp it – and the Public Service Commission rubber stamped it. (*Interjection by Hon. P R Caruana*) I am assured –

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**Hon. D A Feetham:** They made a recommendation to Government.

470 **Hon. J J Bossano:** I am assured they rubber stamped it because they did not say... It was not that the GDC said to the Government, 'Would you do this?'; it was the Government saying to the GDC, 'We want you to do this.' I have it from high authority and it is not anybody in the GDC.

When we came in, we found that there were a large number of GDC employees who had refused to sign the letter accepting the transfer, even though in fact they were told, according to them – I do not know whether it is true; the Members opposite may know better than me, but they were told by Unite – that either they signed or they were without a job, that's what they claim. I do not know if it is true or not. I do not make a habit of saying it is true because it is in the street. I am telling him that is what I was told before the Election, and what I was told after the Election by people who came to see me with letters.

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When they came to see me before the Election what I said to them was, 'Look, I believe that if they sack you that will be an unfair dismissal in breach of the TUPE rules, but there is a problem because if the GDC is discontinued and you say, 'I do not want to go to the Civil Service,' your employer has ceased to exist.'

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Immediately after the Election, the same people who had not wanted to move came to see me and I said, 'Well, look, I think to be fair to everybody, on the premise that the people who signed and accepted transfer might have done it because it was a no-choice position – that is to say the GDC is going to be closed down – either you are a civil servant with better conditions, or you have not got a job because you have not got an existing employer.'

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If that is the story that I was told before, as a Member of the Opposition, and the story that I was told afterwards, as the Minister responsible for the GDC... I said I think it is only fair that not only those who did not want to move should be able to stay in the GDC, because now the position is that there are two options: there are those who said they did not want to move, who are staying; and there are those who said they wanted to move but they might have wanted to move in the scenario where there was no alternative.

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Therefore, I explained everything to them and I convened a meeting in Mackintosh Hall, which lasted three and a half hours, to give them the opportunity of discussing this. I told them, 'Look, you are free to continue with what was offered to you before and we will respect you. What you had was ring-fenced Civil Service jobs and you can stay there – all of you can stay there, if you all want – or all of you can stay in the GDC if you all want, or some of you can go one way and some of you can go the other. Those who go into the ring-fence will have the monopoly of the ring-fenced jobs, and those who stay in the GDC will have the monopoly of the GDC jobs.'

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That is the offer that I made to them and it was an offer that was accepted by the majority. There were some people who said they needed more time, and I said, 'Look, you have had several months on something that before you were given 24 hours, and I think you know we have been reasonable with you.'

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They then went to the union, where in fact I think they had a letter signed by the Hon. the Leader of the Opposition, in which he said that the legal position was that they were civil servants on 1st October, whether they liked it or they did not and whether they had accepted or they had not. So, on the basis that that was the legal view given to the union and which the union put to me, I said, 'Well, in that case, you are all in the Civil Service, ring-fenced, according to this legal opinion of the Leader of the Opposition, accepted by Unite. So now any of you that want to come out of the ring-fence and come back into the GDC can do that, but once you come out you cannot go back.'

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That is where we are today and that is where we were when the decision was made, and the decision was made on the basis that people were given the opportunity to keep everything that they were given by the previous administration, or to have an alternative, but it was a decision that they had to make one way or the other once, and we could not have people changing their minds because, obviously, in a situation where different people have different retirement ages and so forth, you could have people doing numbers and saying, we are [*inaudible*] now, the chances of promotion are greater on this side, so now we will go to the other one,' and then, if the odds change, then 'I want to go back to the other one.' Therefore we thought once the decision is made then that is the decision that you make. I actually said to them, 'Look, in my view, you have got better prospects for the future in the GDC because the ring-fenced jobs are finite.' The ring-fence can only shrink and eventually disappear because eventually all those jobs will go back to the normal non-ringfenced Civil Service.

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525 **Hon. D A Feetham:** Yes, Mr Speaker, in fact, in fairness to the hon. Gentleman, you had explained this in the past, but of course the hon. Gentleman will recall – again in exchanges that I had with the Chief Minister and, I think, with yourself – that the GDC, through their union, were seeking meetings with the Government in order to discuss precisely this system of cross-fertilisation between the GDC and the Civil Service, and what I am trying to get at is whether the Government has actually now made a decision in the light of the representations that were made to the Government.

530 I take it, therefore, that in fact the Government is not for changing its position and its decision on what the Hon. the Minister has explained this afternoon to me – that the position will stay the same; having heard those representations, the position will stay the same and no cross-applications will be allowed, despite those representations. Or is the matter still open for discussion with the Government?

535 **Hon. J J Bossano:** No, as far as I am concerned, it is not open. I have made that clear. It is not open, and indeed I think, in my view, if it were open it would be in breach of the whole concept of the ring-fence, because the ring-fence would never shrink, it would constantly be replenished from the GDC side because the GDC is not ring-fenced. So, if there are new people coming into the GDC, and from the GDC they can go into the ring-fence, then the ring-fencing would be meaningless, in my estimation. But it is not an issue, as far as I am concerned, that has been re-addressed since the lines were drawn in my original meeting, when frankly, to be honest with the hon. Member, I think he should understand that, as far as I am concerned, we had no obligation to do any of this. We were perfectly entitled as a Government on 9th December to say, ‘Well look, that is what was negotiated by your union with the previous administration on 1st October: you were all made civil servants and you were all made ring-fenced and therefore you stay like that.’

540 It was because people made representations to us that they did not wish to be in the Civil Service that we gave them the option to get out. Now, clearly, if anybody of the people that came to me and said, ‘I now want to go in’, I would say, ‘Well, look, you were in and what you cannot do is be coming out when you think you are better off out and then wanting to be in, when you think you are better off going in’! Otherwise, no public administration can operate on the basis of people changing their minds.

545 I think the only justification that there was for giving them the option was that the previous administration had decided – as they had a right to do – that they did not want to keep the GDC. Therefore, they could not give people the option of staying in something that was bound to disappear. If we decided tomorrow, for example, that we did not want to have a Culture Agency, then clearly, you could not say to people, ‘Who wants to go into the Civil Service and who wants to be in the Culture Agency?’ because there will be no Culture Agency to be in.

550 That was the position on 1st October. That was the position on 8th December. People between 555 October and December made representations and I agreed that when we came up, we would give them an opportunity – because I did not think it was a good idea anyway to have people in a situation... People unhappy about being in an organisation are likely to be less useful. After all, at the end of the day, they are really working in the same places doing the same work, whether you call them ring-fenced or civil servant and they are on the same pay and on the same conditions.

560 **Hon. D A Feetham:** That is what they say, yes.

**Hon. J J Bossano:** They are.

565 **Hon D A Feetham:** Thank you very much for that. I will not push the point. It is loud and clear from the Hon. the Minister that the Government is not going to change its policy in relation to it.

Just in relation to the next question about the Housing Department transferring, if it converts into an Agency. I did not quite catch the answer, but the supplementary is effectively this –

570 **Mr Speaker:** The answer was that the GDC employees deployed to the Housing Department do not have Civil Service status.

**Hon. D A Feetham:** Yes, exactly. Thank you very much, Mr Speaker.

575 They do not have Civil Service status, absolutely not, of course; but will they be offered the same terms and conditions if there is a transfer? Of course, there are GDC employees that are working in this particular Department. Will they be offered the same package effectively, if the Department actually converts into an Agency or is it the intention of the Government to just simply offer that package to civil servants and not the GDC?

580 **Hon. J J Bossano:** Well, the reason why the answer is that they do not have GDC status is because the package that was offered to people in the part of the Housing Department that was responsible for the maintenance, the Government chose to split the two and then they said, ‘Half of you are going to go into



the Housing Maintenance Agency, which is not part of the Civil Service and because you give up Civil Service status, I will pay you 12%.'

585 To my knowledge, no GDC employee in any other Department has ever been told, 'If you give up Civil Service status, we will give you 12%', because they do not have the status to give up. The people who are in the GDC in the Housing Department are deployed there and tomorrow I can take them out of there and put them in the ETB or anywhere else in the Government where people are deployed.

590 This is a situation which I think it would be desirable to correct over the passage of time, so that eventually all the people who are GDC are all in one area and we do not have the kind of mixture we have got together which complicates... like sometimes, in some places there is a majority of GDC with a minority of civil servants and in other places, a majority of civil servants, with a minority of GDC. Now, at the very least, they are all graded the same and paid the same, so that is one area of friction that has been removed. It is still, I think, an untidy situation but it is not something that can be corrected overnight.

595 In this area, there are a couple of GDC clerical officers in the Housing Department, but they are not civil servants; they are GDC employees and therefore they are removable from there and deployable anywhere else because their employer is the GDC, not the Housing Department.

600 There is a great deal of discontent and resentment in areas of the Housing Department at the division that was made, because clearly, if people are sitting at one desk as opposed to another and they do not know that that desk is going to get 12% and this one is not, then when it happens, they say, 'Well if I had known that, I would have gone for being at that desk where the 12% was going to be.' That is the source of the problem.

605 I do not know exactly how or when the possible re-merger – because that is what we are really looking at... It is not a question of a third Agency; it is a question of bringing the two bits back together and then, inevitably, you have to offer to those who did not get it before what you offered to the first group of people.

610 But it is in that scenario that there is a problem affecting those who are not civil servants, because the element of the package that says, 'If you give up your Civil Service status, we will pay you so much', obviously requires that you should have the status in the first place to give up.

615 **Hon. D A Feetham:** Mr Speaker, yes, in fact if we had been returned to Government, of course, this would not have been a problem, in relation... I am just talking about GDC Civil Service because they would have all been civil servants and being civil servants, they would have been able to take advantage of any package the Government offered civil servants. But in fact the hon. Gentleman is right: he has alluded to friction, but there is, of course, a friction between the GDC employees that chose not to move to the Civil Service and those that moved to the Civil Service, effectively within one organisation. Now does he not accept that there is that friction and that, effectively, you are dealing with a situation where – and I realise that in fact the way that it panned out, usually those that chose to remain in the Civil Service of the GDC were in blocks, effectively. So for example, Human Resources went to the Human Resources Department, etc.

620 Does he not accept that there is this friction and that it is unfair, in circumstances where you do have GDC employees working within the Department and really all that distinguishes them is a policy decision that the Government took of reinstating the GDC, but that they are not offered the same terms as their brothers and sisters within the Civil Service – former GDC employees – when the time comes of transferring to the Agency?

630 **Hon. J J Bossano:** No, Mr Speaker, if the people in the GDC had been previously in the Civil Service, they would have not have been able to give up their status, because it would have meant moving outside the ring fence.

635 The people in the ring fence are frozen where they are. They cannot move in and they cannot move out. As far as I am concerned, that is what they accepted because the hon. Member must understand the number of anomalies that they created, when they were in office, with this negotiation. First of all, they promised everybody that they would integrate them unconditionally into the Civil Service and then the civil servants rebelled. Then because the civil servants rebelled, the Government changed their conditions and in order to seek the support of the clerical union and their members, they made this concession by saying, 'Well look, okay, all the people from before will not be able to move outside the jobs that they have got at the moment and therefore, this is not the only anomaly we have got.'

640 There are many areas with these Agencies, where the hon. Member must understand that – I do not know whether he had anything to do with any of this, but I would have thought anybody with a background of negotiations and working conditions and so on would know that the moment you start tampering with conditions and you give people more money than others, you are creating problems for the future and there is a lot of that. You have paid people to leave the Civil Service a premium in one area, and you have paid another group of people a premium to come into the Civil Service in another

645 area. Well, unless you try and introduce some order into this chaos, you finish up with a leap-frogging exercise for which there is no end, because every time you try to correct one anomaly, you create another anomaly. It is not an easy problem to solve, I can assure the hon. Member. If it was easy it would have been done.

650 **Hon. D A Feetham:** Mr Speaker I accept some of it; I do not accept the way that he characterises what we did.

**Hon. J J Bossano:** Well, I would not expect you to.

655 **Hon. D A Feetham:** Indeed, I would like to remind the hon. Gentleman that in fact the union took the unprecedented step of writing to the hon. Gentleman and also to the Chief Minister and the Deputy Chief Minister, actually accusing the Government of having forced these individuals under duress to transfer out of the Civil Service into the GDC. So in fact, I could make exactly the same point that the hon. Member has made, but in reverse: (**Hon. J J Bossano:** Yes.) that the problem has been created by this Government, not by the previous Government.

660 But moving on to the answer that he has given to the question about the grades, in answer to some of the previous questions – it was not in answer to the original question, but in some of the supplementaries – he mentioned the AA grades. Yesterday, we had a conversation or an exchange about the AA grades and the hon. Gentleman today has said that, effectively – by my understanding and correct if I am wrong  
665 – that the grades for the Civil Service and also for the GDC –

**Hon. J J Bossano:** Are the same.

670 **Hon. D A Feetham:** – are the same. Are the AA grades something that the Government has now introduced, this year? Of course, my understanding of the position – and in fact, I have gone back, having heard the Chief Minister yesterday – is that we abolished the AA grades in the late 1990s or certainly the now Leader of the Opposition, then Chief Minister did. Is that something that has been introduced now, this year?

675 **Hon. J J Bossano:** No, Mr Speaker, there are still people in grades, because... Well, the hon. Member, in his questions, put that there are 40 AA vacancies. Well, how can he say that there are 40 AA vacancies, but there are no AA grades?

680 **Hon. D A Feetham:** Well, can he give way? I will tell him.

In fact, I had drafted two questions. I had drafted the question, ‘Has the Government decided to create an AA grade?’ and then I thought, ‘Well actually, I know that they have created an AA grade, because here is the advert.’

685 But simply because there is an advert advertising 40 AA vacancies does not mean that the Government has not decided to create those AA vacancies this year. There were not any AA vacancies prior to... well, certainly when we were in Government. What there was was AO at Civil Service level and then below that – or quite a different job, actually, and perhaps it is even improper saying ‘below that’ – you had Personal Assistants and also Secretaries.

Now, unless what the Government has done here is that it has decided that all those –

690 **Mr Speaker:** Why don’t you ask: what is it that the Government...?

**Hon. D A Feetham:** Yes, what is it that the Government has done? Has it decided to bung... to effectively rename all those people? What has it done because I do not recognise this AA grade from the time that I was a Government Minister.

695 **Hon. J J Bossano:** First, I would like to deal with the point the hon. Member made about whether one can say, and the union wrote to me saying, that we had forced them to do something and that that was in fact a parallel to the criticism that I have made of the fact that they forced the employees into accepting Civil Service status on 1st October. The difference is that, before, people were given the choice and given  
700 a general meeting; on 1st October, they were informed that from the 1st October, they were no longer in the GDC which was no longer going to exist and there was no alternative.

705 Now, the same union that accepted being told, ‘Whether you like it or you do not’ and saying so to me in writing... The position is that the Public Service Commission made everybody a civil servant on 1st October and therefore, whether they had agreed to it by returning the letter signed or not, they are civil servants. Right? That same union says when three months later, I give people the choice of remaining like that or having something else if they wanted, then that is forcing them.

710 So giving them an option is forcing them and forcing them is okay. If we had told them, 'You cannot move, you are stuck', the union would have accepted that, according to the hon. Member opposite. Well, it is a very strange way – but then, the union became a very strange animal, just before 9th December. (Hon. D A Feetham: Ooh!) Yes, a very strange animal. I think it is now recovering some of its former consistencies! (*Interjections and laughter*)

**A Member:** [*Inaudible*] Exactly!

715 **Hon. J J Bossano:** As regards his latest point, can I remind him, Mr Speaker, that his question is in one area, dealing with the grades in the Civil Service and the GDC being the same. Well, perhaps he can ask himself – because I cannot ask him a question! – if indeed he supports and believes that the grades should be the same as they are – and I have told him they are – then the Grade 1 is an AA in the Civil Service. If the Grade 1 is an AO, then the Grade 2 must be an EO, the Grade 3 and so on and beyond 720 Grade 5, there is nothing except Senior Officer, and then we have got people up the Rock who will be Senior Officers on £70,000.

**Hon. D A Feetham:** With respect, Mr Speaker, he has not answered the question.

725 **Hon. J J Bossano:** I have.

**Hon. D A Feetham:** Has the AA grade been introduced by the Government this year?

730 **Hon. J J Bossano:** No. Mr Speaker, I have just informed him that in the letters sent to people on 1st October, informing them that they were now civil servants and not GDC employees, there were people who were told they were AAs on 1st October 2011. That is what I am telling him.

735 **Mr Speaker:** But I think the hon. questioner is referring to the adverts that came out for 40 vacancies at AA, advertised by the Gibraltar Government. Do I understand the position correctly? Nothing to do with 1st October.

740 **Hon. D A Feetham:** Nothing to do with 1st October. In fairness to the hon. Gentleman, I understand that the answer that he has given. I do not accept it, but I understand it. What he is saying is that, effectively, *we* re-introduced somehow the AA grade. Now, I take issue with that, but let me ask him this: is the re-introduction of the AA grade an attempt to dumb down entrance requirements into the Civil Service?

745 **Hon. J J Bossano:** Well, Mr Speaker, he uses 'dump down' methodology in his speeches in this House, in his questions in this House. It is not 'dumping down'. Is he saying then that since time immemorial civil servants were 'dumped down' because they were allowed to enter the Civil Service at the grade of Clerical Assistant?

**Several Members:** *Dumbing down!* (*Laughter and interjections*)

750 **Hon. J J Bossano:** The entry grade of AA in my view is a very competitive rate at which to recruit, given that for one vacancy we have 603 applicants, which includes bank managers from the private sector. So if the hon. Member is saying we are going to have to reduce the qualifications or reduce the... We have got people with masters degrees applying to be AAs, *dumped down!* (*Laughter and applause*)

755 **Mr Speaker:** Does the Hon. Mr Feetham have any supplementary on the question of the GDC HR Manager? Then, next question.

760 **Future Job Strategy trainees  
Termination of training since 1st February**

**Clerk:** Question 985, the Hon. D A Feetham.

765 **Hon. D A Feetham:** Mr Speaker, can the Minister for Employment state how many Future Job Strategy trainees placed with the private sector since 1st February this year have had their training terminated by those businesses?

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

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker: 86.

**Hon. D A Feetham:** Mr Speaker, can he inform the House as to what happens to those 86 when there is a termination?

775 In other words, what I am trying to extract from the hon. Gentleman is information as to whether they are placed in any Government Department or alternatively whether their contracts are held effectively on freeze until they are placed in another private company on placement?

780 **Hon. J J Bossano:** Of the 86 that had their training terminated, it was terminated because it was completed and they then entered full-time employment on higher wages, in the businesses where they were being trained. So 51 of them were... That is to say, they ceased to be trainees on the Friday and they became full-time employees of the employer on the Monday: 51.

785 Of the 35 remaining, they were removed from the training, because the employer was not willing to guarantee employment, because there was no such requirement when they were taken on before 1st February. They have now been provided with a new employer who has signed an agreement and who will give them employment at the end of the training.

790 **Hon. D A Feetham:** Well, Mr Speaker, I am surprised by that, because I have had a gentleman who has come to see me this week. He did not mind my telling you the name across the floor of the House, but I think it is inappropriate and I will tell the hon. Gentleman in the lobby of the House. After three months, his contract was terminated by the company and now he has effectively been told, 'Well look, we cannot do anything for you until there is another private company that is willing to take you on.'

795 I am asking the hon. Gentleman – there is certainly one that I know of – how many of these cases are there that the hon. Gentleman knows about?

**Hon. J J Bossano:** Well, Mr Speaker, the cases that I have quoted are the cases of the termination of the training. (**Hon. D A Feetham:** Yes.) Yes, and the cases of the termination of the training are where the training is either discontinued because there is no guaranteed job or there is a situation where the training has been completed for the period that was agreed with the placement provider.

800 The people are employed by ETCL; they are not employed by the business. The business agreed to take them on before, without any commitment and therefore, when the six months were up, they were just told 'Goodbye and send me another one.' That is no longer the case and therefore people who breach the agreement have to repay the money. That so far has not happened, because so far the ones that have reached the agreed period have been taken on.

805 There were 35 which we could not persuade to take on a commitment which they had not entered into originally and there was no way that we could force them to do it, and frankly, practically all of them argued that it is not so much that they did not want to be helpful; it was that they had really taken on somebody they did not need, because at the time, in 2011, they thought they were being 'good businesses' in helping to take on young people to get some work experience, but they did not have a slot to put them into, so they told us, 'Look, it is not that we are being difficult, because we did not sign an agreement; it is that had we been asked previously to take somebody on for a job, we would not have been able to take them on on this basis, because there is no job for them to go to.' They have been doing sort of chores in the office or in the shop or whatever, but they are extra to what the requirements of the business are, and that is where the 35 come in.

815 That does not mean that there have not been other people whose employment has been terminated for reasons that are... that they did not turn up for work or that they just disappeared and did not give any explanation or that they went off to study to the UK. We do not think they fall into the category of termination of training, because it is really like any employer: if there is a misconduct reason, then there is a dismissal.

820 I will certainly look. There are 500 people in the system: that does not mean that I have got an accurate explanation of each one of the 500, much as I try to keep my eye on the ball. But certainly, I am happy to investigate the case that the hon. Member has or any other that may come his way.

825 **Hon. D A Feetham:** Yes, well, I am grateful for that answer.

Perhaps if I may, Mr Speaker, ask the Hon. the Minister for Employment, what is the policy of the Government in respect of a situation whereby a company terminates the placement? They are not terminating the employment because these individuals continue to be employed by ETCL. (**Hon. J J Bossano:** Yes.) It is the termination of the placement. Is it the Government's policy that, where that happens, the Government will assume responsibility for these individuals and either continue to pay them, ETCL, or alternatively continue to pay them with a placement somewhere in the public sector?

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835 Obviously, there are only two choices. Well, in fact there are three choices: either ETCL terminates the contract, because there is no longer a placement; ETCL continues to pay, but there is no placement or no training anywhere; or ETCL continues to pay and the Government undertakes to actually place them within a Government Department. I just wonder, as a matter of principle and policy, what the Government's position in relation to this is.

840 **Hon. J J Bossano:** I have actually given him that information before, Mr Speaker, because I told him that most of the people that were distributed throughout the public sector were distributed precisely because the business where they had been placed would not commit itself to taking them, and since we were already paying them, rather than pay them to be not very useful in a business that did not want them, it was better to put them in a Department where at least we would be getting some return for the money we were paying them, until we obtained a place for them in the private sector – and I am using practically the identical words that I used in the last meeting of the House to give that explanation.

845 **Hon. D A Feetham:** Yes, well, I am grateful and I will in fact provide the Hon. the Minister for Employment the details of this particular individual, because this particular individual was told that he will have to wait without pay until he is placed. I do not chastise or criticise the hon. Member or the Government in relation to this, because it may well be that there is somebody at the ETB that is giving out the wrong information.

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**Employment Training Company Limited  
Contracts with companies having trainees**

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**Clerk:** Question 986, the Hon. D A Feetham.

860 **Hon. D A Feetham:** Can the Minister for Employment confirm that those companies who had not signed contracts with ETCL, despite having trainees placed with them, have now signed such contracts?

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

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

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**Future Job Strategy trainees  
Employers with Government contracts**

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**Clerk:** Question 987, the Hon. D A Feetham.

875 **Hon. D A Feetham:** Further to Question 848/2012, is the Government now in a position to identify the employers who have signed contracts with Employment Training Company Limited in respect of the Future Job Strategy trainees and have the benefit of a contract with the Government, any Public Authority or Government-owned company for the provision of goods and/or services with a value in excess of £2,000?

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

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885 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I am informed by the relevant bodies that the following companies have contracts with the Government in excess of £2,000: El Ouahabi Butchers; Saccone & Speed; Globe Travel; Caterpac Gibraltar; EWMS; Euroship Supplies; MiniMarkets; Bonmilk Ltd; Restsso; Gibmaroc; Fastafod Ltd; Gibtelecom; Gibraltar Chronicle; ITMS; Rock Cool; Ambrosio Ebery; Upsmeier; Thomas & Betts; Gib Oil; Versetec; Austco; Schneider; Mifsud Electrofreeze; Braithewaite; British Gas; Emblem Strategy; Europort; Medsys Ltd; Monteverde; GOHNS; Animal Welfare Centre; Environmental Agency; Land Property Services; Detective & Security; Greenarc; Wildlife; Aquagib; Master Service; Gibraltar Vet Clinic; Amco; LC Groundworks; In Line Framing; Leed Transport; Wastage Products Ltd; ABC Services Co. Ltd; Gibsun Club; Icon; A to Z Supplies; TTS Group; Charnwood; Midtown Books; MCS; Newton Systems; Pageant Media; Portman Ltd; ESSL; Group 5; 501 Construction; W&N Work Company Ltd; Clive Chichon Services; SFA Interior Refurbishment; SA Construction; Koala Construction; Proseal.

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Of these companies, the following five have raised no objection to being identified as training providers: Acehoba Ltd; Hammonds Music Copyright (Gibraltar) Services Ltd; SFA Total Refurbishment; A&K General Builders.

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A further three are willing for the information to be given to the hon. Member opposite, as long as he treats it in confidence, as stated in the answer to Written Question 226/2012.

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**Hon. D A Feetham:** So, the number of companies that enjoy those contracts and have subsidised labour via the Future Job Strategy by my reckoning is eight, not 10, as the hon. Member indicated on the last occasion.

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**Hon. J J Bossano:** No, there are five that have said they have raised no objection (**Hon. D A Feetham:** Yes.) and there are three that say, 'You can have the information if you treat it in confidence' – and that is what the hon. Gentleman has got in the Written Answer.

**Mr Speaker:** Are there another two?

**Hon. J J Bossano:** There are another two that have said that they will not agree with this.

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**Hon. D A Feetham:** Have they not agreed or is it that they have not responded?

**Hon. J J Bossano:** I cannot be 100% sure, but they have not written in saying yes, because then I would have it here. (*Interjections*)

915

I think, perhaps, the hon. Member will realise that what he calls subsidised labour is not in fact a factor in the position of being a Government contractor. That is to say, I want to make it crystal clear that all these companies that have contracts have got contracts which they had before they had what we call subsidised labour. (*Interjections*) Well, only the ones that are coming into existence since. Presumably, the fact, Mr Speaker, that the policy has been introduced, which I hope they will see as a welcome development and support, that there are unemployed people made redundant who are being helped by the Government to set up their own little business is a good thing and is a way of dealing with the unemployment situation, which I think myself is a very good thing, because it gives people an opportunity to have a future and those people have entered into the list of contractors since we have been in and were not there before because they did not exist before. I think there are three or four of them, out of several hundred. (*Interjection by Hon. D A Feetham*)

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#### Gibraltar Savings Bank Regulatory oversight

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**Clerk:** Question 988, the Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, will the Minister with responsibility for the Gibraltar Savings Bank please state whether in considering the proposed extension of activities of that institution, it has taken into account the relevant EU Directives and does the Government consider that those Directives impose an obligation in respect of independent regulatory oversight or licensing?

**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, the EU Directives are not relevant to the activities of the Gibraltar Savings Bank.

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**Hon. D A Feetham:** Well, Mr Speaker, they are not relevant to the Gibraltar Savings Bank at the present moment, but is the hon. Member saying that when the Gibraltar Savings Bank actually extends its activities, for example becomes a credit institution for the purposes of the Capital Requirements Directive, that still it is not covered by the Directive? Is that the Government's understanding of the position?

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**Hon. J J Bossano:** The position is that it will not be a credit institution as defined in EU law and therefore the Directives will not apply and that, in any event, given the level of the liquidity of the bank, it is well in excess of all the requirements and all the ratios of the Basel II, Basel III and all of them.

**Clerk:** And with that, we come to the end of Answers to Oral Questions.

## Questions for Written Answer

955

**Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the Answers to Written Questions Number W180/2012 to W238/2012 inclusive.

### SUSPENSION OF STANDING ORDERS

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#### **Standing Order 7(1) suspended to proceed with Government Statement**

**Clerk:** Suspension of Standing Orders, the Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with a Government statement.

**Mr Speaker:** Those in favour. (**Members:** Aye.) Those against. Carried.

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### GOVERNMENT STATEMENT

980

#### **Sum paid to former CEO of Gibraltar Health Authority Statement by the Minister for Health and the Environment**

**Clerk:** The Hon. the Minister for Health and the Environment.

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, following discussion consequent to the reply given by me to Question 877/2012, the Chief Minister undertook to consider making a statement in relation to the sum paid to Dr David McCutcheon, former Chief Executive of the Gibraltar Health Authority, at the time of his resignation in September.

The matter having been considered, I am now able to make the following statement.

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Dr McCutcheon was originally engaged on 19th October 2004 on a three-year contract that was signed on 6th August 2004. This contract included a number of specific performance indicators with time limits setting a number of targets that had to be fulfilled during the term – that is by 18th October 2007.

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A second three-year contract was signed on 18th July 2007 to run from 19th October 2007 to 18th October 2010. The performance indicators were largely the same as in the 2004 contract, except that most of the time limits for the target were removed, except one that set the limit at April 2006, even though the contract ran from 2007 – clearly a typographical error. Aspects such as the elimination of waiting lists and the introduction of electronic patient records remained as targets.

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A further contract was entered into on 9th November 2010, with retrospective effect from 19th October 2010, this time for five years, due to expire on 18th October 2015. Once again, performance indicators remained, including the typographical reference to April 2006, and those requiring the elimination of waiting lists, now with the added condition of being, and I quote, ‘subject to the resources provided’, and introducing the electronic health record.

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At the time of Dr McCutcheon’s resignation, effective from 11th September 2012, his salary, inclusive of tax-free gratuity and on-call allowance, was approximately £204,000 per annum. Given that the contract had approximately three years and one month to run, he would have been paid around £629,000 to end of term.

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The contract signed by the last Government provided for the following payments to be made on termination before term: six months’ notice – approximately £79,240; six months’ pay – approximately £79,240; 50% of the remaining pay due to the end of the contract to October 2015 – £204,704; Repatriation Allowance on arrival from Canada to Gibraltar – £8,000; Repatriation Allowance on termination of contract – £8,000; Outplacement Allowance – £8,000; full gratuity payable to end of term October 2015 – £124,728 which makes a total which would have been payable of £511,912. This would have been in addition to adjustments of outstanding pay reviews, gratuity payments for time already worked and other outstanding allowances.

1015 The payment made to Dr McCutcheon, excluding these adjustments, was £243,498.34, which is about a quarter of a million pounds less than it could have cost and £380,000 less than would have been paid to him, had he stayed to the end of the contract term.

1020 **Mr Speaker:** That being a statement, I will allow Members of the Opposition to ask any questions that they may wish, for clarification.

**Hon. P R Caruana:** Is the Minister able to say anything as to the reason why the contractual relationship was terminated? In other words, I think the essence of his statement is that it was cheaper to terminate than to pay him through to the end; but of course that ignores the fact that if he had stayed to the end, you would have had the benefit of his services.

1025 So is the hon. Member able to say why it became necessary to be discussing severance pay in the first place?

**Hon. Dr J E Cortes:** Mr Speaker, Dr McCutcheon made a statement at the time of his resignation and I feel that I do not want to add to that. I think that is all I have to say, at this point.

1030 **Hon. P R Caruana:** Well, Mr Speaker, that is a very awkward answer for the Opposition to be able to accept.

1035 If what the hon. Member is saying is that Mr McCutcheon *resigned*, then he is not entitled to anything and it begs the question why they paid him half a million pounds of taxpayers' money! Presumably, it was an agreed termination on terms, because if the man simply resigned, which is implicit in his last answer to which I will not hold him unless he repeats it... If he resigned and what Mr McCutcheon said is true, then he is not entitled to compensation because his contract has not been terminated; *he* has terminated it.

1040 **Hon. Dr J E Cortes:** Mr Speaker, it was a resignation. I think I have to add that, clearly with a resignation, there would have needed to be a time of notice, which I do not think would have served the organisation and, therefore, these terms were agreed.

1045 **Hon. P R Caruana:** Mr Speaker, whilst the Opposition is therefore grateful for the hon. Member coming back to the House with the information that they agreed to consider coming back to the House with, I have to tell him that much as he makes it sound like a saving, assuming that it was a genuine resignation and not the sort of resignation that you are left with no option but to do – which is, in effect, a constructive dismissal – unless that is the case if it is a genuine resignation, then much as the hon. Member makes this sound as money saved, it is actually properly to be assessed as money unnecessarily paid.

1055 **Hon. Dr J E Cortes:** Mr Speaker, I think I should reply by saying that Dr McCutcheon was recruited at the time in order to implement a Clinical Governance Review that cost the Government at the time over £2,080,000 to prepare. His contract was renewed on two occasions, despite the review and the related indicators not having been implemented or fulfilled. I think that is a relevant point to bear in mind.

**Hon. P R Caruana:** I will read... I will listen between the lines to the hon. Member's Statement. I am grateful anyway for the Statement.

1060

**BILLS  
FIRST AND SECOND READINGS**

1065 **Income Tax (Amendment) (No. 2) Bill 2012  
First Reading approved**

**Clerk:** Bills – First and Second Readings.  
A Bill for an Act to amend the Income Tax Act 2010, the Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.



1075 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

**Clerk:** The Income Tax (Amendment) (No. 2) Act 2012.

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**Income Tax (Amendment) (No. 2) Bill 2012**  
**Second Reading approved**

1085 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill amends the Income Tax Act 2010, to extend the current deadlines relating to payment on account of future liabilities by self-employed individuals and companies.

1090 Clause 2(2) extends the deadline from 31st December to 31st January for payment on account of future liabilities by self-employed individuals.

Clause 2(3) extends the deadline from 31st August to 30th September for payment on account of future liabilities by companies.

Clause 2(4) amends Schedule 9 of the Income Tax Act 2010 to reflect the extension of the deadlines mentioned above.

1095 The current deadlines in respect of self-employed individuals and companies are being extended in order to relieve administrative pressures on the Income Tax Department during particularly demanding periods. As a result of these changes, receipt of payment on account of future liabilities will not conflict with receipt of Employers' Annual PAYE returns and individual's tax returns.

I commend this Bill to the House.

1100

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1105 **Hon. P R Caruana:** Mr Speaker, now that I have become a self-employed taxpayer and therefore a beneficiary of the provisions of the Bill, the Opposition is delighted to support it. (*Laughter*)

**Mr Speaker:** I now put the Question which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour; (**Members:** Aye.) Those against. Carried.

1110 **Clerk:** The Income Tax (Amendment) (No. 2) Act 2012.

**Income Tax (Amendment) (No. 2) Bill 2012**  
**Committee Stage and Third Reading to be taken at this sitting**

1115

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1120 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Court of Appeal (Amendment) Bill 2012**  
**First Reading approved**

1125

**Clerk:** A Bill for an Act to amend the Court of Appeal Act, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Court of Appeal Act be read a first time.

1135 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Court of Appeal Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

**Clerk:** The Court of Appeal (Amendment) Act 2012.

1140

**Court of Appeal (Amendment) Bill 2012**  
**Second Reading approved**

1145

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker this Bill provides for the ability for the Court of Appeal to sit with two judges where there is a certification to that effect by the President or the Chief Justice. It follows a proposal made by the President of the Courts, transmitted to me by the Chief Justice.

The Bill introduces a new section 3A to the Court of Appeal Act. By the new section 3A(1), the Court may sit with two judges.

1150

By the new section 3A(2), section 61(4)(a) of the Constitution is stated not to apply to an appeal which is certified under subsection 3A(1).

The section of the Constitution which is referred to which is 61(4)(a) states as follows, Mr Speaker:

1155

‘(4) Save as may be otherwise prescribed by any other law, for the purposes of any determination of the Court of Appeal –  
(a) an uneven number of judges shall sit, which, in the case of any final determination by the court other than the summary dismissal of an appeal, shall be not less than three...’

1160

So by that provision there shall be an *uneven* number of judges and that number shall be not less than three. But section 61(4) provides ‘Save as may be otherwise prescribed by any other law.’ This is the law – the one we are introducing today – which prescribes now that the court may sit with less than three judges and where it sits with two, it will sit with an *even* number of judges.

I should say, Mr Speaker, that the intention is not that the court as a matter of normality should sit with two judges; indeed, on the contrary, the norm should continue and will continue as at present, with a Court of Appeal sitting with three judges. But I am advised that there may be exceptional circumstances where this new provision may be used.

1165

An example which has been given to me is a case where Sir Murray Stuart-Smith was still the President of the Court and he was taken ill whilst the court was in session in Gibraltar and taken to hospital in the early hours of the morning. Yet at 10 o’clock in the morning he had to sit in court, because this provision did not allow... or rather there was no provision which allowed the court to sit with less than three judges.

1170

So I have to say and I have to stress that it would be very exceptional and only clearly in cases... and I do not want to say cases which are of less importance to others, because clearly for appellants all cases will be important, but clearly where cases which could be considered of not significant jurisprudential importance, where there are not significant points of law to be determined, it is right that in those cases and it is right that it should be the norm that the court should continue to sit with three judges.

1175

What the amendment simply provides is a safety net, in appropriate and exceptional cases for an appeal to be able to proceed with less than three judges, in this particular case, with two judges. The Government considers and I am advised the judiciary considers that that is in the interests of the administration of justice in Gibraltar, and it is also in the interest of appellants in particular cases who would want their cases to be heard.

1180

I commend the Bill to the House.

**Hon. D A Feetham:** Well, before he does so, can he give way so that perhaps he can then answer just a query –

1185

**Hon. G H Licudi:** You can ask a supplementary (**Hon. D A Feetham:** Yes.) that I can answer subsequently.

1190

**Hon. D A Feetham:** No, I know, but then obviously, I have no right of reply if that happens!  
The hon. Gentleman appears to be suggesting that, effectively, this would operate in a situation – correct me if I am wrong – where, for example, you have exceptional circumstances, that there are three judges to start off with, one is taken ill and the other two can continue. That is what appeared to be indicated by the hon. Gentleman.

But of course, section 3A(1) is wider, because it says:

1195

‘...the Chief Justice may certify that a particular appeal may be heard, or continue to be heard...’

So it is both and I just ask the hon. Gentleman, what kind of situation would a Court of Appeal...?

1200 **Mr Speaker:** Where the judge is taken ill the day before.

**Hon. D A Feetham:** Yes, the judge may be... well exactly, yes.

**A Member:** The provision goes further.

1205 **Hon. D A Feetham:** But the provision goes further.

**Hon. P R Caruana:** [*Inaudible*] the Chief Justice that certifies –

1210 **Hon. D A Feetham:** And of course, what happens in circumstances where those two judges do not actually agree on the verdict? Of course, if this were in a criminal case, juries do not agree, then the defendant is acquitted. In a civil appeal, you can have a two-to-one majority and then the appeal is allowed, but if you have a one-and-one, what happens in that kind of situation?

1215 **Hon. G H Licudi:** Mr Speaker, what I mentioned earlier about a particular judge being taken ill was an example, and what I said was this was an example which was given to me as the kind of case that might be appropriate. It is not the only case where it might be appropriate, but certainly where a judge is taken ill in the middle of a sitting that might be an appropriate case in which this might be used.

1220 What it is not possible to do... and that is given as an example and I have made a statement in this Parliament that this is intended by the Government to be used in very rare and exceptional circumstances and not where the case is one of clear jurisprudential importance. What is not possible to do is simply set out in the legislation all the examples where this can be used. The provision provides for a certification to be made by the President or the Chief Justice, and I have no doubt and I am confident that that discretion given to the President and the Chief Justice will only be used in appropriate cases, rather than run-of-the-mill cases.

1225 But I hope the hon. Member agrees... and I did consider when I got a draft of the Bill, whether it was possible to say ‘in the following circumstances a certification may be made’. It was simply not possible and I had in mind, in fact, a debate that we had, which is relevant to the other Bill that we have before Parliament today, the amendment to section 12A of the Supreme Court Act, where I asked the hon. Member in terms of the priority of cases to be listed, and the hon. Member actually says, ‘One cannot legislate for every single eventuality, it is simply impossible’. I agree with that particular statement and that is why, following consideration, whether it is possible at all to set out any criteria. I certainly felt that it was best to leave it as it is, leave it in the hands of the President or the Chief Justice.

1230 The other point that the hon. Member makes is the question of the majority and that is actually provided for in, well the relevant point is made in section 61(4)(b) of the Constitution, which provides that:

‘any determination by the court on any matter (whether final or otherwise) shall, where more than one judge sits, be according to the opinion of a majority of the judges who sit to determine that matter.’

1240 That is simply, in our view, a permissive situation. It does not always require a majority. In other words, you can have unanimity – which is not a majority because you do not have a dissenting view – but it is permissive, in that where you have got more than... What it does is envisage the situation where more than one judge sits and therefore it envisages the possibility that you may have two judges.

1245 Clearly, two judges cannot come to a majority verdict and therefore the only possible decision that could be made, where there are two judges, is a unanimous decision, otherwise there is no decision of the Court of Appeal. Therefore, in practice, this does not give rise to a problem. Where there is an uneven number of judges, we have a permissive situation under the Constitution, where a majority decision can be given; but where you have an even number of judges and it is possible to have an even number of judges with more than three – not under the present position, but clearly where it says where more than one judge sits – but clearly you either have a majority or you have unanimity to have a valid decision, otherwise there is no decision at all.

1255 **Hon. P R Caruana:** Mr Speaker, I fear we have distorted the debate. The hon. Member is still on his speech on the Second Reading and I was not going to rise to speak when it comes, so I wonder if Mr Speaker would let me just contribute to this point, at this stage.

I think we are still in the stage of giving way, aren't we? So I do not know where we are now in the proceedings. I can wait until later.

1260 **Mr Speaker:** Well, if you will allow me, does any hon. Member wish to speak on the general principles and merits of the Bill? That gives them –

**Hon. P R Caruana:** Alright, obliged, Mr Speaker.

1265 Well, Mr Speaker, I would ask the hon. Member whether he happens to know – we are all lawyers, I suppose we all should know, those of us who are lawyers – whether... I have a feeling that in the UK the Court of Appeal also sometimes sits with two judges, I do not know. But in terms that, I think it is... I do not know what basis or what the strength of feeling was amongst the judiciary that this was a good idea, but I am frankly pleased that the hon. Member has emphasised that it is exceptional and that if it ceased to be used exceptionally, it perhaps ought to be reviewed.

1270 I think that there are serious constitutional issues – which perhaps do not arise in the UK, because they do not have a constitution – about this business of the section that he has just read out – I did not pick up the number –

**Hon. G H Licudi:** Section 61(4)(a).

1275 **Hon. P R Caruana:** Section 61(4)(a) – in other words, there is no determination, unless it is by a majority. Well, if there are two judges –

**Hon. G H Licudi:** Or unanimous.

1280 **Hon. P R Caruana:** Well no, he must not confuse the question of majority with unanimity. There is no resolution of the court, unless it is by a majority. When two judges sit, the majority can only be two, which happens to be unanimity because there are only two; but it would require the two of them to agree.

1285 If the two of them do not agree, there is *ipso facto* no possibility of constitutional adjudication. It raises all sorts of questions about what happens next. Is this an appeal right that is lost? Does the case get reheard? What happens to the costs of that appeal? Can it be awarded to one side or to the other, given that neither has won and neither has lost?

1290 It seems to me that there is a whole series of permutation of consequences. This is why I asked whether he knew off-hand whether there was any sort of precedent for this in the United Kingdom. I can think of a number of practical considerations arising from the fact... Of course, what would actually happen in practice, I fear, is that because the court will want to avoid the problems that I am now highlighting, there will be pressure on the dissenter not to dissent. In other words, the judges will sit in the room and one will try and persuade the other and one will yield in circumstances, where if there was a majority, if there were three judges sitting, he would not allow himself to be persuaded and would simply deliver a dissenting judgement. Both judges will now know that a dissenting judgement is not a possibility because it will gridlock the court, with all the consequences that I have just described.

1295 I do not doubt that there are circumstances in which this is a good idea – for example, the one suggested by Mr Speaker – if there could be a very expensively convened court full of barristers from all over the world, witnesses – the hon. Member knows the sort of trial that I might be thinking of – a judge falls ill, there is not another judge available, and you have to collapse that appeal hearing. In those circumstances, it is good that it is able to continue, but it is good that it is able to continue with a number of undesirable potential consequences, which means that that ‘goodness’ – if I can just call it that quite inappropriately – should be resorted to as exceptionally as the hon. Member has indicated in his address he hopes and expects will be the case.

1305 **Mr Speaker:** Does any other hon. Member wish to speak on the general principle? I will then...

**Hon G H Licudi:** Mr Speaker, can I, as the mover of the Bill, respond to the hon. Member?

**Mr Speaker:** Yes, you have a right to reply.

1310 **Hon. P R Caruana:** The reason why, if you will give way to me –

**Hon. G H Licudi:** I will.

1315 **Hon. P R Caruana:** – there is one aspect which I would ask him to express a view, if he feels he can on his feet – if not, we will just have to leave it for another day – and that is what would happen in a case where the judges are unable to come to an agreement, despite their best effort, and one votes yes and one votes no?

1320 Litigants have to know whether... The appellant then has to know that his appeal rights remain intact and that the matter will be re-listed for hearing. He cannot be defeated without adjudication, because there would not have been adjudication.

Could the hon. Member at least express the parliamentary view – if he shares it, if it is indeed his view – that in those circumstances the legislature expects that the appeal right would remain intact and the matter would have to be re-listed for re-hearing?

1325 **Hon. G H Licudi:** On that last point, Mr Speaker, I can express a personal view as to what might be desirable, but I do not know whether that view coincides with the Rules or any particular provision which might say – (*Interjection by Hon. P R Caruana*)

1330 But if I may be permitted to deal with the points that the hon. Member has made and hopefully, within that answer, the concerns that the hon. Member has had: I do not know what the position is in the UK, whether they sit with two judges and I can confirm, the hon. Member has just repeated, that certainly from the Government’s point of view, and I as mover of this Bill in this Parliament consider that this is something that should be used only in those exceptional circumstances that we have mentioned.

1335 The main point that the hon. Member makes, the issue – which is a valid point to consider – what happens if the two do not agree? That is something that clearly I have given some thought to and have considered.

1340 In practice, what I would expect to happen – this is a view that I am setting out as the view of the Government’s side – and what I would firmly expect because of discussions that I have held, if there is a possibility of the two remaining judges, who are going to either sit or continue sitting in an appeal, if there is a possibility of the two judges not agreeing, the appeal would simply not be heard or the appeal would not continue until it can be re-constituted or constituted again with the three judges.

1345 The hon. Member knows from his practice that judges receive papers in advance and receive skeleton arguments in advance. Whilst I would expect, and certainly I would expect as a lawyer, that everyone is given a fair crack of the whip and you go and you present your case in court and the judges hear you and you can persuade the judges one way or the other. The judges will clearly have papers and if this sort of situation arises, in those exceptional cases, where there is a possibility of two judges continuing or having to sit on any particular matter and if a possibility, even a remote possibility exists – well, not a ‘remote’; a *possibility* exists – of the two judges not agreeing, there is no question, I would expect, of any pressure being put on any judge. Who is the dissenter, if there are only two? Who puts pressure on the other? There is no possibility of that happening in practice, because what we would expect is that the hearing simply would not proceed and would be adjourned or would be re-listed – in other words, it would not start at all, if it has not started. It would be re-listed until the three judges can constitute the full court.

1350 I am not sure whether that answers fully the hon. Member’s question.

1355 **Hon. P R Caruana:** Would the hon. Member give way?

**Hon. G H Licudi:** I will.

1360 **Hon. P R Caruana:** The important thing is that, under the Constitution, there will not have been an adjudication.

**Hon. G H Licudi:** There would be a hearing.

1365 **Hon. P R Caruana:** No, no no. The hon. Member is saying that he hopes that, in practice, judges will look at the papers in advance, see that there is high-end prospect that they will not be able to agree and therefore agree that it is not a case suitable for hearing between two. But that is a pretty hit-and-miss and a pretty *ad hoc* sort of arrangement.

1370 The fact of the matter is, Mr Speaker, we do not need to legislate against the possibilities of things that might only happen exceptionally. In other words, the possibility of having this possibility or rather having this possibility of a two-judge court may be so useful in the cases where it really is useful that it outweighs the cases in which it creates problems and therefore on balance, it is a good idea and it should be available, which does not mean that you do not legislate for the consequences of the minority of cases in which the worst feared happens.

1375 The important point is – and I am not expressing a view; I am simply relying on the provisions of the Constitution that the hon. Member read out, which said, if I correctly heard him reading – he will confirm it to me or not – that under the Constitution, unless a majority of the court, which there would not be in a two-man court which disagreed... there is no adjudication, because an adjudication requires a majority. I think that is the essence of what he read from the Constitution. So therefore, constitutionally, the case will not have been disposed of. In other words, the appeal necessarily and constitutionally remains extant, because it is an un-adjudicated appeal.

1380 In those circumstances, I *assume* – but I am not sure that this is an area that we should be leaving to assumptions – assume that because constitutionally it is an un-adjudicated appeal, the appellants’ constitutional right to appeal – because the right to appeal is itself a constitutional right – remains un-

1385 used. And as it remains un-used, he must have the right to go before a differently constituted court and re-  
 1390 argue his appeal. That could usefully have been said in the Bill, just as a matter of clarification, *and* the  
 Bill could usefully, however remote or however exceptional or however unusual, however infrequently  
 we think this is going to happen, the Bill might also have usefully provided for what happens to the costs  
 entitlement which are said to follow the event. Well, there has not been an event, therefore there is  
 nothing to follow and therefore what? Each party bears their own costs of that hearing? Do the whole  
 costs of the failed hearing get carried forward, so that they get paid by whoever loses the next hearing? Is  
 the loser then exposed to a double-whammy of two sets of costs?

1395 These are some of the issues and this is why I started off by asking whether he knew whether this  
 happened in England, because if there are two-man courts of appeal or two-judge courts of appeal in  
 England, all of these questions *must have* been addressed. There *must* be an answer to them. There must  
 be jurisprudence on the question, *save* the fact that here it is part of our written Constitution which is  
 primary law and cannot be the subject of court practice or of court rules or things of that sort. None of  
 that can override the consequences of the constitutional provision that there is not an adjudication under  
 the terms of the Constitution – which is the only thing that would complicate the matter beyond that,  
 which might have received clarity in the UK, in the case of a two-man or two-judge hearings in the UK.

1400 **Mr Speaker:** May I make one thing clear. The hon. Member, the Hon. Minister, strictly speaking,  
 you have been exercising your right to reply. (**Hon. G H Licudi:** Yes.) Just before the end, you gave way  
 to the Hon. the Leader of the Opposition, but this question, when we are on the general principles of the  
 Bill, the question of prolonging artificially the right to reply is not proper, in my view. I think there ought  
 1405 to be a limit to the extent to which you ought to be doing that. More so, since this Bill is down to go into  
 Committee and if it does, there and then, all hon. Members can debate each particular clause in detail.

I am being liberal because the extent to which the Hon. Minister satisfies the Opposition could  
 determine whether they wish to allow the Bill to go into Committee today or not. Therefore, what I am  
 going to suggest and ask the Hon. Minister, in the light of all that I have said, is: does he prefer that the  
 Bill should not go into Committee, give consideration to the matters that have been raised by Members of  
 1410 the Opposition, and then bring the Bill at a later stage?

**Hon. G H Licudi:** No, Mr Speaker, that is not our preference. Our preference is that this matter  
 should go to Committee and should be fully determined.

1415 In respect of the first point of prolonging the debate, my understanding is this is actually a debate on  
 the Second Reading, on the general principles of the Bill.

**Mr Speaker:** Which allows you to make an introductory speech, which allows each and every other  
 Member to make a speech, and which allows you halfway through, or near the end, of your exercising  
 your right to reply, it allows you to give way to a Member of the Opposition in this case. (**Hon. G H  
 1420 Licudi:** Yes.)

What is does not allow you is, once you have finished and sat down, in my view, is to say, ‘I am  
 giving way to an hon. Member.’ That is not proper procedure. I am prepared to be liberal and allow it  
 once or twice, but not indefinitely.

1425 **Hon. G H Licudi:** I understand the point that Mr Speaker makes.

**Mr Speaker:** Okay.

1430 **Hon. G H Licudi:** It is not an issue really for us, because if I finish my speech, my contribution and  
 then the hon. Member wants to get up and ask that I give way, before I sit down, and I accommodate that  
 –

**Hon. P R Caruana:** Which is a condition of parliamentary rules –

1435 **Hon. G H Licudi:** – which is traditional that –

**Hon. P R Caruana:** – that before the hon. Member sits down... Mr Speaker, whilst I am grateful for  
 whatever degree of liberality that you bring to the Chair, I think when constructive debate is taking place,  
 this is not a question of Rules or Standing Orders. Hon. Members – and this is the case in Westminster,  
 1440 too – give way to each other as often as they please. There is not a rule about not giving way and not –

**Mr Speaker:** No. But I was making the point because I thought there might be a possibility, since the  
 Hon. Minister seemed to have some doubts about what the procedure in the United Kingdom was, that he

1445 might wish to have time in order to find out, and therefore I suggested that perhaps Committee Stage should not be taken today.

**Hon. G H Licudi:** Well, I note the point that Mr Speaker makes, but that is not something that we want to take away and consider, particularly because the hon. Member has quite rightly...

1450 Let me just say as an aside, in respect of whether we could do this at Committee, this is more about the general principles which relate to the Bill and possible problems which the hon. Members suggest might arise and, certainly, from the Government's side, we consider these matters are properly debated at Second Reading, rather than at Committee Stage.

1455 But, having said that, the point that the hon. Member makes in relation to the UK, the Hon. the Leader of the Opposition has alighted to the fact that we have a written Constitution and we have specific provisions here in relation to the Constitution of the Court of Appeal and the determination of decisions by the Court of Appeal. Let me deal with the point that the hon. Member makes in terms of the consequences.

1460 The hon. Member uses the term 'adjudication': that there is no adjudication, therefore the matter can simply be re-listed and adjudicated – not *re*-adjudicated, because there would not be an adjudication. The Constitution uses the words 'determined' – 'any determination of the Court of Appeal'. It is more or less the same thing, but if there is not a majority decision or a unanimous decision, one way or the other, when there are two judges, I agree with the hon. Member that, constitutionally, the appeal would not have been determined and therefore still falls to be determined by a court constituted in accordance with the rules. So I agree with the point that the hon. Member makes.

1465 As regards legislating in respect of costs, we do not believe that that would be the appropriate way. Parliament does not normally legislate in respect of costs. Costs are generally left to the discretion of the judges and we are confident that the judges will do whatever is right in the particular circumstances and will take into account the necessary considerations in determining what, if any, cost liability should arise. On that basis, it is our position that this Bill should proceed.

1470 **Hon. D A Feetham:** May I, Mr Speaker?

Mr Speaker, I have actually appeared... Just listening to the hon. Gentleman and also listening to the Leader of the Opposition. I do remember that I have actually appeared in a Court of Appeal in England and Wales in a two-man Court of Appeal. I have.

1475 But, I *think* that a two-person Court of Appeal panel is limited in England –

**Hon. P R Caruana:** To interlocutory matters.

1480 **Hon. D A Feetham:** To interlocutory matters.

**Hon. P R Caruana:** Exactly, that is my recollection.

**Hon. D A Feetham:** That is my recollection of the position –

1485 **Hon. P R Caruana:** And to leave.

**Hon. D A Feetham:** And indeed, also to leave.

1490 Now, what I *cannot* remember and what I do not know is what the situation is in terms of determination of an appeal, if effectively both of them do not agree.

My *own* view, for what it is worth, is actually that probably the appeal fails.

**Hon. P R Caruana:** Yes, that is my –

1495 **Hon. D A Feetham:** That is my view. But of course, yes, if the appeal... If you do not satisfy a majority of a Court of Appeal and it is one and one, the appeal fails. Therein lies the problem that exists with this Bill: that here we have two silks and a number of other lawyers and nobody really has the answer to all these, quite frankly, rather pertinent questions. Therefore, certainly for my part, I think that perhaps the hon. the Minister ought to adjourn the Committee Stage to sometime in the future and perhaps just bring those answers to Parliament, because those answers must be available.

1500 **Hon. P R Caruana:** Could the hon. Member, before he rises, so he can answer me, with Mr Speaker's indulgence, if the position were as the hon. Member has just described to me, can he –  
(*Interjections*)

1505 If we could be absolutely clear that the position was as the hon. Member just explained to me, when he last spoke to what I had said, namely that we were absolutely certain that the appellants' rights had not been disposed of and this was just a question of coming back again to another court, and we were absolutely clear of that question and the Government was not willing to legislate on the question of costs, I would settle, I would accept that. The Court of Appeal would make proper rules as to costs, I imagine, for those circumstances and that would be fine.

1510 The difficulty is the risk that there is a judgment of a lower court – of the Supreme Court usually – who has found in favour of one party or another and the appellant is saying, 'Court of Appeal, overturn that judgment'.

1515 If the Court of Appeal is gridlocked, it fails to make a determination. The effect of that failure to make a determination is that it has declined to overrule the lower court for any number of reasons, either because it did not like the arguments or because it did not have a sufficient majority. Now, that is the risk, so in considering – although he will not want to take advice from me across the floor – whether it is better to adjourn or not to adjourn, really the question that he has got to ask himself is whether he is certain that the position is as he explained to me, because otherwise we are in the realms of both injustice and potential unconstitutionality.

1520 In other words, it may well be that the court in England takes the view... I am speaking from ignorance of what the position is in the UK. It may well be that the court takes the view that, if a two-man court is split one/one, there has been a determination: the determination is the court has declined to reverse the lower ruling. That could amount to an...

1525 Now, the hon. Member is shaking his head. I am delighted that he is shaking his head and I am not arguing against it. That is what I want the outcome to be too. The question is not whether I agree with him or not; the question is whether we are clear if, on this Friday at five past six, that is in fact the case – what we both think is the case.

1530 **Hon. G H Licudi:** Well, Mr Speaker, what I can give is the Government's view and our position, as Minister for Justice. What I cannot say is if this matter was ever referred to the court and determined by the court that the court would necessarily rule in a particular way. *(Interjection by Hon. P R Caruana)* Neither the hon. Member nor myself will ever be able to say how laws which are –

1535 **Hon. P R Caruana:** But Mr Speaker, that is an answer that *does* cause us difficulty, because the Government must not legislate without understanding the purport of the legislation. What the hon. Member is saying is, 'I am bringing this legislation to the House: I think it means this, and that is what I intend it to mean', but it is up to the courts to decide whether it actually means what the legislature intends it to mean, and otherwise it is basically the Court of Appeal legislating, not the Parliament.

1540 **Hon. G H Licudi:** No, Mr Speaker, that is not the position.

The position is that the Government's intention is quite clearly what I set out when I presented the general merits of the Bill.

1545 The example that the hon. Member says about a lack of determination under the Constitution because there is not a majority, that amounts to a lack of determination and therefore that amounts to declining to overrule the decision *and therefore* a decision not to overrule: well, we do not believe that is a plausible interpretation of this and therefore we are not willing to leave this up in the air, simply on the basis of a hypothetical argument that could present – *(Interjection by Hon. P R Caruana)* Well –

1550 **Hon. P R Caruana:** Neither of us know what the position is. They are both *[inaudible]*.

**Hon. G H Licudi:** What I am saying is it is a hypothetical argument with which we do not agree. We do not agree that argument holds water.

1555 **Hon. P R Caruana:** It is an interpretation.

**Hon. G H Licudi:** It is an interpretation, as there could be many interpretations of many provisions.

1560 What I can say is this, Mr Speaker: we believe that this Bill ought to proceed in its current form because it is appropriate that, in those exceptional circumstances that I referred to earlier, we *should* have the ability for the Court of Appeal to sit or continue to sit with two judges, because that we consider is in the interests of the administration of justice, as I said earlier, and also in the interests of the appellants, who would want to have their cases determined.

1565 But what I cannot rule out is if the hon. Member is suggesting that this creates a hypothetical problem, that we might have to deal with an issue, by bringing a Bill to amend further the provisions of the Court of Appeal. But that there is a necessity for these provisions is absolutely certain, from our point of view, and therefore we propose to proceed.



The hon. Member talks of ‘potential unconstitutionality’: we do not believe there is any potential unconstitutionality. The provisions of the Constitution are very clear: they allow for a law to prescribe a position whereby less than three judges appear and determine a particular case. That must be for a reason. If the Constitution allows the possibility of less than three judges, it must allow the possibility of two.

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**Hon. P R Caruana:** There is usually one.

**Hon. G H Licudi:** But it could be one. It could be one, but Mr Speaker, the other provision that I referred to, which is also part of section 61(4) of the Constitution...

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So section 61(4)(a) deals with the possibility of less than three judges, if it is prescribed by law and 61(4)(b) deals with the possibility of the court sitting where there is more than one judge. So on the one hand we have (a) with the possibility of less than three, and on the other hand we have (b) with the possibility of more than one. So this clearly envisages the possibility that there should be a determination by two judges.

1580

And for all the reasons that I have set out, and I hope I am not asked to give way any more, I commend the Bill to the House.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Court of Appeal Act be read a second time.

1585

Those in favour. (**Government Members:** Aye.) Those against.

**Hon. P R Caruana:** The Opposition is abstaining, Mr Speaker, on the grounds that we do not think the House *knows* what it is doing. We do not understand it.

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**Mr Speaker:** Carried by Government majority.

**Clerk:** The Court of Appeal (Amendment) Act 2012.

1595

**Court of Appeal (Amendment) Bill 2012  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1600

**Mr Speaker:** Do Members of the Opposition agree that Committee Stage be taken today?

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**Members:** Aye!

**Hon. P R Caruana:** No. Well, look, Mr Speaker – (*Laughter*)

**Mr Speaker:** Is the position clearly understood by Members? If *all* hon. Members agree. If the Members... If *one* Member does not agree that the Committee Stage be taken today, it has to be deferred.

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**Hon. P R Caruana:** I think that is correct.

**Chief Minister (Hon. F R Picardo):** Until after midnight, Mr Speaker.

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**Mr Speaker:** To another day.

**Hon. P R Caruana:** Yes.

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**Mr Speaker:** To another day. It is to determine whether the Second Reading of a Bill and Committee Stage can be taken the same day.

**Hon. P R Caruana:** Yes. Mr Speaker, I am going to resist the temptation to change what I was going to stand up to change, simply in reaction to the Chief Minister’s quip, which could only have meant that he is willing to convert this non-giving of consent into a sort of meaningless parliamentary technique by saying, ‘Look, it is ten past four. If you do not consent, I am only going to make you come here at one o’clock in the morning or tomorrow, Saturday’ – which is what, by the way, I think the GSLP did last

1625

time when they were in Government, the previous ones, one Government, one Opposition said –  
(*Interjections*)

1630 If that were the case, I think that would be a great pity. (*Interjection by Hon. S E Linares*) Sorry, if the Hon. Mr Linares wants to speak, I am very happy to give way to him.

1635 **Hon. S E Linares:** Mr Speaker, he kept us here until two o'clock in the morning once, and Mr Corby had to buy some takeaways! (*Laughter and interjections*)

**Mr Speaker:** Just a moment! Just a moment!

It is not infrequent for this House, over the years, to have been meeting at two in the morning and at three and at four in the morning, because I have been here –

1640 **Hon. P R Caruana:** Yes, Mr Speaker –

**Mr Speaker:** – but that is not the point. The point is also whether the Chairman, to what extent the Chairman of the Committee will be willing, after dining at the MRC tonight, to come at 12.30 –  
(*Laughter and interjections*)

1645 **Hon. P R Caruana:** Mr Speaker, and when you have been in this House for longer, you will recognise interventions like that by the Hon. Minister Linares as typical of the fact that he rarely grasps fine points when they are being made. (*Interjections*) Mr Speaker, if the Hon. Mr Linares does not understand the difference – (*Interjections*) If the Hon. Mr Linares does not understand the difference between a question and answer or a legislative session of Parliament simply sitting late into the night – as happens frequently in parliaments around the parliamentary world – if he does not understand the difference between that and what I am, half tongue-in-cheek, berating the Chief Minister for, if he does not understand the difference between that, then I feel entirely vindicated for what I have said about him!

1655 I am sure the Chief Minister was not meaning to threaten the House that if the Opposition did not give its consent, we would be back at midnight. However – you were threatening? I said 'of course not'.

**Hon. Chief Minister:** I would have thought, Mr Speaker, that the House would not feel threatened by an invitation to work hard, even –

1660 **Mr Speaker:** May I tell hon. Members what the spirit in this House has always been, regarding a Bill that the Government considers to be taken to Committee Stage and Third Reading. If it is an urgent Bill, the Government is perfectly entitled to ask that the Committee Stage be taken that day. If it is not an urgent Bill, then Committee Stage can be taken another day.

1665 It is for the Government to decide whether they want to give further thought to the matter or not, and take advantage of the fact that if the Opposition or any Member votes against Committee Stage being taken today, it has to be done another day.

If we come back at midnight or just after midnight, I do not know whether we will have enough time to consider whether the points made by the Opposition are worth bearing in mind or not.

1670 **Hon. P R Caruana:** Alright, Mr Speaker, I am very grateful for that, because I think that is the spirit that I was trying to...

1675 In any case, having heard the Hon. Minister for Justice and having a degree of confidence or at least respect for his views, even when I do not agree with them, I do not think that this is a matter in which his mind is going to be changed on the substance by having two or three more days to reflect on it – *although* I think that the question is not reflecting to change his mind. I would hope that, for me, the principal advantage of an adjournment – it could be an hour now – would be so that we could support the Bill. In other words, so that we could have confidence in being able to support the Bill because we could go out and find out what the position is and why the concerns that we have expressed are not warranted. That would be the virtue for us of an adjournment: not to change the Government's mind on the Bill, because we would support the Bill, if our concerns could be [*inaudible*].

1680 We have said, Mr Speaker, what our position is. I think that this Bill cannot be so urgent that it needs to be taken through its three stages today. I think that the prudent thing would be, on a Bill where we are interfering with issues affecting the administration of justice, that the House should clearly understand not only what it is doing, but the consequences of what it is doing.

1685 But look, we have expressed our views and if the Government wants to proceed with the Committee Stage today, we are not going to withhold our consent to that, simply to make a further statement. Our view has been stated: coming back again on Monday or after midnight or tomorrow at three o'clock is neither here nor there.

1690 So we will, at least I do not think any Member of the Opposition has dissented from the Committee Stage being taken today – and Third Reading.

**Mr Speaker:** Committee Stage and Third Reading of this Bill will be taken later today.

1695

**Supreme Court (Amendment) Bill 2012  
First Reading approved**

1700 **Clerk:** A Bill for an Act to amend the Supreme Court Act, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1705 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to Amend the Supreme Court Act be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Supreme Court Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

1710 **Clerk:** The Supreme Court (Amendment) Act 2012.

**Supreme Court (Amendment) Bill 2012  
Second Reading approved**

1715

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1720 Mr Speaker, this Bill amends section 12A of the Supreme Court Act. Section 12A, as the hon. Members opposite will know, was introduced by the Supreme Court (Amendment) Act 2010, which was debated in this Parliament on 18th February 2010.

1725 Section 12A, which is the section we are amending, deals or dealt with the jurisdiction of the Family Judge. It provided for family proceedings to be referred to a judge who was to be known as the Family Judge. It provided for other matters to be allocated to the Family Judge by the Chief Justice in certain specific circumstances and it introduced a statutory duty to the Family Judge to give priority to family proceedings over and above any other work which may be allocated to him by the Chief Justice.

The Bill which is currently before Parliament, as I have already indicated during question/answer session last month, follows discussions that I have had with the Chief Justice.

1730 What the Bill does is remove the restrictions on the Chief Justice to allocate work to the Family Judge, so that the Family Judge may be allocated any matter by the Chief Justice and as a consequence of that, the Bill removes the duty in relation to the priority of the work, so that in an appropriate case, it is the Chief Justice who decides what priority should be given to any particular matter. In other words, it gives the Chief Justice the power to manage the work of other judges without the constraints of a statutory duty which applies only to one judge in one particular area.

1735 That is not to say, Mr Speaker, and I want to stress this from the Government's side, that family matters will not or should not be given any less importance. There will still be provisions in section 12A of the Supreme Court Act which deal with the jurisdiction of a Family Judge. There will still be a Family Judge to whom family proceedings will be designated. However, the Bill gives the Chief Justice the appropriate level of flexibility in allocating matters to any other judge.

1740 I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

1745 **Hon. D A Feetham:** Mr Speaker, yes.

The Opposition unfortunately will be voting against this Bill. Before I elaborate on the reasons for that, may I remind this House... or place those arguments into their proper context.

1750 Mr Speaker, prior to the 2007 General Election, there was significant concern within this community in relation to the justice system as it applied to family law. Indeed, the issue became an electoral issue and Members may in fact recall that Richard Martinez did a sterling job, during the 2007 Election, actually highlighting some of the flaws in the system, which included the way that fathers were treated by the

system; the delays that were being experienced in family cases; the fact for example that a number of different judges were dealing with family cases and therefore there was a lack of consistency in dealing with those cases, because a case may come before one judge who takes one attitude, may then be adjourned and go before a different judge who may take a different attitude.

1755 We took a decision as a Government that when one looks at family law and decisions in family cases, and how these disputes are resolved, there is very much a human story in these cases, because behind every divorce, behind every battle or custody battle in relation to children, there are fathers, there are mothers and there are of course, children. We took a decision that we would appoint a third judge, recruit a third judge who would specialise in just dealing with family law.

1760 That was a decision that we took unprompted. In other words, it was not a decision that was prompted by the judiciary, ‘We need a third judge, a family judge’ or ‘We need a third judge’ and the Government of the day took the decision to ‘Yes, we will recruit the third judge, but it will be a Family Judge’ – no. We took a decision off our own back, off our own initiative to recruit a third judge but specialising in family law. Indeed, the position was advertised by the JSC and Mr Justice Butler was recruited on that very basis.

1765 We accepted that, in a jurisdiction as small as Gibraltar, what you could not have was a situation where a Family Judge was just simply doing family law and perhaps just simply spending 60% of their time doing family law and twiddling their thumbs for the other 40%. Clearly, in my discussions with the judiciary at the time, it was accepted that whilst the Family Judge was going to be prioritising family law, that judge could deal with other cases if the position was that the judge had spare capacity. That is why we introduced section 12A of the Supreme Court Act on 29th April 2010, which was, in our respectful view, a very carefully crafted provision, which attempted to place on a statutory footing that position as we had effectively discussed with the judiciary at the time.

1775 And what subsections (3) and (4) of section 12A say is this:

‘(3) Notwithstanding the other provisions of this section, the Family Judge may be allocated any matter, other than family proceedings, by the Chief Justice, in the following cases—’

1780 So they *can* be allocated in the following cases –

‘(a) where he has spare capacity; or  
(b) during the vacation, illness or absence of another judge of the Supreme Court.’

1785 And then subsection (4):

‘The Family Judge shall have a duty to prioritise the work of family proceedings.’

1790 So the architecture that we would introduce, which was a cornerstone of our policy on our reforms of the entire spectrum of family laws, was effectively Family Judge: prioritise family work; if he has spare capacity, the Chief Justice can allocate him work or indeed where it is required that that person effectively muck in with the other judges, because of illness or absence of another judge of the Supreme Court.

1795 What the Government of the day obviously wanted to avoid was a situation where we recruited a Family Judge – which was very much needed at the time and, indeed, from what the hon. Gentleman has said in his own speech, I do not think that he dissents from that, even now – very much needed, but what we did not want was a situation where we recruit a Family Judge, everybody is agreed we are recruiting a Family Judge for that purpose, he is placed in post and then the Chief Justice effectively says, ‘Well no, you are doing this, that and the other’, and by a process, over a period of time, that Family Judge becomes a generalist judge – no specialisation in family or not really prioritising family work, but dealing with everything else. That of course then drives a coach and horses through the clear intention of what it was that we were recruiting this particular judge to do.

1800 And Mr Speaker, we still have those concerns, that effectively what the hon. Gentleman is actually doing by making these amendments and reversing the position that we introduced in section 12A, is effectively potentially turning that Family Judge into a generalist judge. Sooner or later, the Government will then have the same problems that we were facing prior to 2007, in terms of inconsistency of decisions, in terms of delays of family cases.

1805 Can I say this: I know the hon. Gentleman has consulted the Chief Justice and, indeed, although I had consulted the Chief Justice and the President of the Court before on how it would work, in terms of how the Family Judge would actually prioritise the... and section 12A actually reflected what had been discussed with them. It is certainly true that the Chief Justice – not the President of the Court; I had discussion with the President of the Court – but the *Chief Justice* was not too enamoured with the idea that we reflect the position that we had agreed with him and place it on a statutory footing. Presumably, that is why the Government comes today and is reversing the amendments that we made in 2010.

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1815 We have great concerns that what will happen is that we are going to be returning to a position certainly pre-2010, but 2007. When I was Minister for Justice, I would consult, I would talk to the Family Judge on a regular basis, because I wanted to know from the Family Judge directly whether these provisions were working, whether he had spare capacity and whether he was doing other work. The view that he always expressed to me – and I have not spoken to him since I left the office, I did not think it was proper for me to talk to the Family Judge about this, once the Bill had been advertised – but his view to me was that in fact there was a lot of family work and that he needed to prioritise family work, and of course, he did do other work, but that a reversal of the position contained in the section would be a retrograde step.

1820 I do not know whether that continues to be his position, or whether it is not his position. It is certainly the position that was expressed to me when I was Minister for Justice. Our concern here is that, effectively, what you are doing is converting, in the short term – it will not even be in the medium term – a Family Judge into a generalist judge and that undoes the very careful work that we did in this area. Indeed, I will read to him what I said during the Second Reading, the debate on the Bill, I said this:

1830 ‘It is a reflection of the Government’s commitment to ensuring family proceedings, which include proceedings under the Children Act, the Maintenance Act, the Matrimonial Causes Act and, amongst others, the Adoption Act’

– all of which we amended in our time in Office –

1835 ‘are dealt with expeditiously and effectively by a dedicated judge. It is a major part, indeed, it is a cornerstone of the Government’s architecture in this area and, of course, involves an increase in the number of judges of the Supreme Court from two to three.’

This undoes that careful architecture, that cornerstone and therefore we cannot support it.

1840 **Mr Speaker:** Does any other Member wish to speak on the general principles of the Bill? No. Well, I will call on the Minister to reply.

1845 **Hon. G H Licudi:** Mr Speaker, I very much regret that the Opposition will not be supporting this. Although I regret it, I have to say I am not surprised, because what we are amending is something that the hon. Member himself, when he was Minister for Justice, introduced.

1850 The hon. Member expresses the Opposition’s lack of support, on the basis of a concern of a possibility of the Family Judge being turned at some point in the future to what he describes as a generalist judge. He does not say that that will happen, he does not say that he has any reason to believe that that is imminent, that that is what the purpose of this legislation is. A concern but it is simply based on hypothesis, it is simply based on speculation. We consider that it is wrong for the hon. Members to take a view...

1855 I can understand them abstaining, because we are amending their legislation, legislation that the hon. Member introduced, so I could understand him abstaining and say, ‘Well we do not know how this is going to work in practice – whether in fact the Family Judge is going to be turned into a generalist judge – and because we do not know and we have a concern that it *might* happen, then we are abstaining and we will see what happens.’ But the hon. Member says, ‘We will vote against on the basis of a hypothetical and speculative concern.’

1860 What the hon. Member has described is true: there were issues with family proceedings, but those issues preceded the engagement of a Family Judge and preceded the enactment of section 12A dealing with the jurisdiction of the Family Judge. We are not changing that. As I have said earlier, we will still have a Family Judge and we are not changing section 12A(1) which says there will be a puisne judge to whom shall be designated family proceedings. So on what basis does the hon. Member believe that we will not have a specialist Family Judge, when that is what the legislation says and we are not changing that at all? So of course that will continue to happen.

1865 The hon. Member also refers to a possible lack of consistency, when you have got more than one judge dealing with a particular type of case. Well, it happens in chancery work, it happens in commercial work, it happens in contract work, it happens in all areas of the law, except in family law.

But it can happen, in any event, in family law in Gibraltar, because the legislation that the hon. Member enacted, section 12A(7) says:

1870 ‘Where a judge other than the Family Judge deals with a family proceedings reference in any other legislation to the Family Judge shall be a reference to the judge that has dealt with those proceedings.’

1875 So the hon. Member himself, when he introduced this, legislated for the possibility that there would be other judges who could deal with family matters. It is right that there has to be the possibility of other judges being able to deal with family matters.

1880 The hon. Member comments from across the floor that there may be circumstances where a particular judge is absent, but where a particular judge is absent and you have got another judge dealing with family cases, you would expect that judge to apply the law as it is, to apply jurisprudence as it is or as that judge understands it to be, in the same way as different judges apply jurisprudence as they believe it to be, in contract and court cases and other areas of law, and in the same way as happens in the Family Division in England. In the Family Division in England, you have specialist judges, as we have with the Family Judge in Gibraltar. They do not have one judge in the Family Division. So where is the argument of consistency or lack of consistency? It is simply not a valid argument, in our view, with the greatest respect to the hon. Member, because you do have a Family Division in England with a number of judges dealing with the same type of cases – all specialists.

1885 So we do not believe that those concerns arise and we believe that, for the reasons that I set out earlier, this is the right thing for us to pass.

1890 **Mr Speaker:** I now put the question which is that a Bill for an Act to Amend the Supreme Court Act be read a second time. Those in favour. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

**Clerk:** The Supreme Court (Amendment) Act 2012.

1895

**Supreme Court (Amendment) Bill 2012**  
**Committee Stage and Third Reading to be taken at this sitting**

1900 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1905 **Mr Speaker:** Do all hon. Members agree the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Trade Licensing (Amendment) Bill 2012**  
**First Reading approved**

1910 **Clerk:** A Bill for an Act to amend the Trade Licensing Act, the Hon. the Minister for Tourism, Public Transport and the Port.

1915 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Trade Licensing Act be read a first time.

1920 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Trade Licensing Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

**Clerk:** The Trade Licensing (Amendment) Act 2012.

**Trade Licensing (Amendment) Bill 2012**  
**Second Reading approved**

1925 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1930 Mr Speaker, this Bill has three purposes. In the first place, the Bill enables the Trade Licensing Authority to refuse a transfer of a business where the business in question is to remain on the same premises, if the transferor owes tax and rates in respect of the business or if the transferor has been charged with an offence in relation to the business he is running.

1935 The second change relates to the composition of the Authority. In this respect, two additional members will be appointed, after consultation with the Gibraltar Federation of Small Businesses.

The final amendment, Mr Speaker, delegates various powers from the Governor to the Government.

As hon. Members are aware, I am currently reviewing the entirety of the trade licensing system and I hope to be able to bring proposals to the House by way of a Bill, after the New Year, which will bring about fundamental changes.

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The Government is considering, in accordance with its manifesto commitments, to set up an Office of Fair Trading, which will oversee all matters to do with trading and have appropriate enforcement powers. One of the drawbacks, Mr Speaker, of the present system is that enforcement is somewhat haphazard. Before, Mr Speaker, I present an entirely new legal architecture to this House, this Bill will correct the present system in a small way, immediately.

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In respect of the first mischief intended to be rectified by the amendments, I note that the Authority has limited powers to refuse a transfer, where the business is to remain on the same premises. I am advised that this has meant in the past that the holder of a trade licence has disappeared and transferred the licence to a new company. It may well be that the new company, although a different person in law, is controlled by the very same people who controlled the old company. This, of course, Mr Speaker, is a convenient way of getting rid of unpleasant debts incurred by the former company and still being able to carry on business. Allowing this phoenix-like behaviour is not desirable and so the Bill will close this existing loophole.

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Further, Mr Speaker, it may be that the transferor of the licence has been involved in criminal activity relating to the business. I am sure that all hon. Members agree that it is not desirable for the licence to be transferred to another linked person, who may well just carry on that criminal activity.

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In both of these cases, the amendments brought afford the Authority the discretion to refuse the transfer. Clearly, Mr Speaker, where everything is above board and there is no hidden agenda involving the transfer, there will be no difficulties put in the way of honest and decent traders.

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In respect of the second objective, the Gibraltar Federation of Small Businesses has long suggested that it ought to be represented on the Authority along with the Chamber of Commerce and the Trades Council. Her Majesty's Government of Gibraltar is so persuaded and this is now achieved.

The last of the amendments, Mr Speaker, delegates, as I said, all relevant powers to the Government.

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Mr Speaker, I also refer the House now to the amendments I have today given notice: today, in my letter to the Speaker of even date, which are self-explanatory and I therefore do not intend to go through them. In this respect, Mr Speaker, I must, I feel, highlight the constructive approach applied today by my hon. and learned Friend, Mr Bossino, who in fact called me during the course of the morning to discuss the proposed amendments that he would suggest and one of which in fact, Mr Speaker, does find its way into my proposed amendments as set out in my letter.

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I take the opportunity, Mr Speaker, to say that I am glad that he has taken up my offer for him to be able to call me at any time to discuss any matters, in order to have a constructive approach outside and inside this House.

Mr Speaker, for all of the reasons I have submitted, I commend the Bill to the House.

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**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

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**Hon. D J Bossino:** Yes, Mr Speaker, I am grateful for the opportunity to speak, although it will be very short, and the Opposition will be supporting this Bill. I did think it would save parliamentary time if it was possible for both of us to agree on the rather obvious amendments which I suggested and I am very grateful to the hon. Member for having it taken it on and worked on appropriate wording, which he also kindly sent to me and I agreed it before it was sent to the House.

So I have no difficulty, as spokesman for the Opposition in respect of this Bill, to support it.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Trade Licensing Act be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

**Clerk:** The Trade Licensing (Amendment) Act 2012.

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**Trade Licensing (Amendment) Bill 2012  
Committee Stage and Third Reading to be taken at this sitting**

1995

**Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

2000

**Income Tax (Amendment) (No. 2) Bill 2012**  
**Court of Appeal (Amendment) Bill 2012**  
**Supreme Court (Amendment Bill) 2012**  
**Trade Licensing (Amendment Bill) 2012**

2005

**Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

2010

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Income Tax (Amendment) (No. 2) Bill 2012; the Court of Appeal (Amendment) Bill 2012; the Supreme Court (Amendment Bill) 2012; and the Trade Licensing (Amendment Bill) 2012.

2015

*In Committee of the whole Parliament*

2020

**Income Tax (Amendment) (No. 2) Bill 2012**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Income Tax Act 2010. Clause 1.

**Mr Chairman:** Clause 1 stands part of the Bill.

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**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

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**Clerk:** The long title.

**Mr Chairman:** The long title stands part of the Bill.

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**Court of Appeal (Amendment) Bill 2012**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Court of Appeal Act. Clause 1.

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**Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

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**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, in clause 2, which introduces section 3A of the Court of Appeal Act, in 3A(2), it says:

‘Section 61(4)(a) of the Constitution does not apply to the hearing...’

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There should be an ‘of’ there – ‘hearing *of* an appeal certified under subsection (1).’

**Mr Chairman:** It is a typographical error: ‘does not apply to the hearing *of* an appeal certified’.

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**Hon. P R Caruana:** Mr Chairman, just to inform the House, in the time available on the internet, I have not been able to find what the position is on civil appeal, but in the criminal jurisdiction of the Court of Appeal in England, in a two-man... there is a limited list of things that a two-man court can deal with and if they are split, there has to be a re-hearing before a full court.

Now, I do not know whether that is also the case in a civil court or not. I have not had time to... It is not so obvious. It does not come up so obviously on Google.

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**Hon. G H Licudi:** Mr Chairman, I am grateful for that observation by the hon. Member. We certainly agree that that should also be the position in Gibraltar. As I said earlier, *if* there is a need for a legislative change to have that provision, then we will introduce it.

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I can also say that we do have provision already in section 13.

**Mr Chairman:** I have noticed that hon. Members in Committee today these days sit down. It seems to me a perfectly good practice. In my day, we used to stand during the Committee, but since we are in Committee and more relaxed, why not? Well done!

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**Hon. G H Licudi:** Mr Chairman, that has been the practice certainly since I have been in Parliament since 2007. We have always sat for Committee.

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But I can tell the hon. Member that, in the Court of Appeal Act, there is provision in section 13, which deals with criminal matters, and section 24 which deals with civil matters for the powers of the court to be dealt with by a single judge. As the hon. Members will know, there is also a possibility of the Chief Justice as an *ex-officio* member of the Court of Appeal to be able to sit.

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But sections 13 and 24 do provide powers of a judge in interlocutory matters, both in respect of criminal matters... or rather, in criminal matters, you would not have interlocutory matters, but there are certain matters, if there is permission for appeal which is necessary in any event, those sort of matters can be dealt with by a single judge. So we already have provisions for that sort of similar arrangement as exists in the UK, to be exercised by a single judge here.

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**Hon. P R Caruana:** Mr Chairman, I can tell him that the only bit of intelligence that I have found about appeal is in the Ministry of Justice's website in England and a two-man court can hear a substantive appeal in civil matters.

What I have not been able to find out is what happens if they are split, which we have been able to find out in respect of criminal, but not in civil. But they can hear a full substantive appeal, a two-man court is confirmed on the Ministry of Justice's website.

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**Hon. G H Licudi:** I am grateful for that, Mr Chairman.

**Mr Chairman:** Clause 2 stands part of the Bill.

**Clerk:** The long title.

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**Mr Chairman:** The long title stands part of the Bill.

2100

**Supreme Court (Amendment Bill) 2012  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Supreme Court Act. Clause 1.

2105

**Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

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**Clerk:** The long title.

**Mr Chairman:** The long title stands part of the Bill.

2115

**Trade Licensing (Amendment Bill) 2012  
Clauses considered and approved**

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**Clerk:** A Bill for an Act to Amend the Trade Licensing Act. Clause 1.

**Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

2125 **Mr Chairman:** The Hon. the Minister for Tourism.

**Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Chairman, in respect of clause 2:

2130 In the proposed new section 7(2)(c), to add the words ‘, to the Government,’ after the words ‘while owing’.

In the proposed new section 7(2)(c), to amend ‘accounts’ to ‘amounts’.

In the proposed new section 7(2)(d), to change ‘of’ to ‘or’.

2135 **Mr Chairman:** Those in favour of the amendments. (**Members:** Aye.) Clause 2 as amended stands part of the Bill.

**Clerk:** The long title.

2140 **Mr Chairman:** The long title stands part of the Bill.

### BILLS FOR THIRD READING

2145 **Income Tax (Amendment) (No. 2) Bill 2012**  
**Court of Appeal (Amendment) Bill 2012**  
**Supreme Court (Amendment Bill) 2012**  
**Trade Licensing (Amendment Bill) 2012**  
2150 **Third Reading approved; Bills passed**

**Clerk:** The Hon. the Chief Minister.

2155 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Income Tax (Amendment) (No. 2) Bill 2012, the Court of Appeal (Amendment) Bill 2012, the Supreme Court (Amendment) Bill 2012 and the Trade Licensing (Amendment) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

2160 **Mr Speaker:** I now put the question, which is that the Income Tax (Amendment) (No. 2) Bill 2012, the Court of Appeal (Amendment) Bill 2012, the Supreme Court (Amendment) Bill 2012 and the Trade Licensing (Amendment) Bill 2012 be read a third time and passed. Those in favour. (**Several Members:** Aye.) Those against.

Do you wish me to take each of them individually?

2165 **Several Members:** Yes.

**Mr Speaker:** Very well. Those in favour of the Income Tax (Amendment) (No. 2) Bill 2012 (**Members:** Aye.). Those against. Carried.

Those in favour of the Court of Appeal (Amendment) Bill 2012 –

2170 **Hon. P R Caruana:** We abstain.

**Mr Speaker:** Carried by Government majority.

2175 Those in favour of the Supreme Court (Amendment) Bill 2012. (**Government Members:** Aye.) Those against. (**Opposition Members:** No.) Carried by Government majority.

**Mr Speaker:** Those in favour of the Trade Licensing (Amendment) Bill 2012. (**Members:** Aye.) Those against. Carried.

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**Adjournment**

**Clerk:** The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

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**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 the House do now adjourn *sine die*. Those in favour. (**Members:** Aye.) Those against. Passed.  
The House will now adjourn *sine die*.

*The House adjourned at 6.50 p.m.*