



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 6.00 p.m.

Gibraltar, Friday, 21st September 2012

The Gibraltar Parliament

The Parliament met at 2.30 p.m.

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

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

Order of the Day

SUSPENSION OF STANDING ORDERS

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: The sitting of Parliament, Friday, 21st September.
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 Government Bills.

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Mr Speaker: Those in favour. (**Members:** Aye.) Those against. Carried.

BILLS
FIRST AND SECOND READINGS

A Bill for an Act to amend the Public Health Act
First Reading approved

Clerk: Bills – First and Second Readings.

A Bill for an Act to amend the Public Health Act. The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Public Health Act be read a first time.

Mr Speaker: I now put the question which is that a Bill for an Act to amend the Public Health Act be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Public Health (Amendment) Act 2012
Second Reading approved

Clerk: The Public Health (Amendment) Act 2012.

Minister for Health and the Environment (Hon. Dr. J E Cortes): I have the honour to move that the Bill be now read a second time.

Mr Speaker, this Bill to amend the Public Health Act goes in tandem with a Bill that we will be presenting shortly in the line of business today, which is related to the smoke-free environment. It was a commitment to offer certain facilities to establishments to help them, if help were needed, to adjust to the fact that they will now have to be smoke free. Therefore, we are introducing a system of reduction of rates, on a sliding scale, which will initially involve an additional 20% of discount for one year to 30th September 2013 and that will reduce to an additional 10% leading up to 30th September 2014.

I say 'additional', Mr Speaker, because there is already a 20% reduction on rates for prompt payment. However, we have had to include an additional amendment in this Act, because the 20% which is currently given, which is more than the 10% legislated, was an arrangement arrived by the previous Administration by an exchange of letters and was never incorporated in the law. Therefore, we have taken this opportunity because we believe it is our duty to do so, to incorporate this discount in the law by the amendment in clause 2(1), making it 20% as opposed to 10%, and then the additional 20% and then 10% on the sliding scale.

Therefore, I now 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?

The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition will be supporting this Bill, as indeed it will be supporting the Bill that I think the hon. Gentleman will be putting before the House in a few moments.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

Public Health (Amendment) Act 2012
Committee Stage and Third Reading to be taken at this sitting

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Clerk: The Public Health (Amendment) Act 2012.

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Minister for Health and the Environment (Hon. Dr. J E Cortes): 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.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

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Members voted Aye.

Mr Speaker: The Committee Stage and Third Reading will be taken today.

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A Bill for an Act to prohibit smoking in certain places, premises and vehicles
First Reading approved

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Clerk: A Bill for an Act to prohibit smoking in certain places, premises and vehicles. The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to prohibit smoking in certain places, premises and vehicles be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to prohibit smoking in certain places, premises and vehicles be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

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Smoke-Free Environment Act 2012
Second Reading approved

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Clerk: The Smoke-Free Environment Act 2012.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I have the honour to move that the Bill be now read a second time.

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Mr Speaker, following the trend in many other countries and, indeed, a campaign led for several years in Gibraltar by several people, notably Mr Bryan Zammit, there was a general feeling in the community that we should catch up with the rest of the world and introduce legislation that would make the environment within premises and public service vehicles free from smoke.

It is one subject that was not contentious during the election campaign, but it was certainly this party's intention to introduce this Bill in the shortest time possible. I am therefore very pleased, as Minister both for Health and for the Environment, to bring this Bill before the House.

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It is a Bill which brings us up to date with legislation in the UK and other European countries. It will prohibit smoking in enclosed public spaces. It will prohibit smoking in public service vehicles, with exemptions only in private residences, except when they are used as a place of work, and in certain specified rooms in hotels and, indeed, in other residences, such as care homes, hospices, prison and so on, where special provision can be made for long-term residents who smoke, to be able to continue to do so.

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There are other interesting exemptions – although very few exemptions – and one is for performers in a play where the artistic integrity of the performance makes it appropriate for the person to smoke. I think that is a curious one to point out.

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There is provision for exemptions to be made, although none are being made. The other provision is that 'no smoking' signs have to be placed in both premises and vehicles and there are penalties both for smoking where one should not and for not preventing smoking where it is prohibited.

I think that summarises the intention of the Bill. It is well known, it has been well covered in the community as a whole for quite some time, and I therefore commend the Bill to the House.

130 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?
The Hon. Selwyn Figueras.

135 **Hon. S M Figueras:** Mr Speaker, yes, I commend the Government for bringing the Bill to the House. It is an initiative that, as he himself has pointed out, had the support of all political parties at the last election. It is in the furtherance of a trend identified by the Minister, which is a very positive one and this is a very good step for our community. As an ex-smoker myself, it is a measure that I felt was long overdue and which I am happy to support, as are the rest of the Members sat on this side of the House.

140 **Mr Speaker:** I now put the question, which is that a Bill for an Act to prohibit smoking in certain places, premises and vehicles be read a second time. Those in favour. (**Members:** Aye.) Those against. Carried.

145 **Smoke-Free Environment Act 2012**
Committee Stage and Third Reading to be taken at this sitting

Clerk: The Smoke-Free Environment Act 2012.

150 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** 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.

155 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and the Third Reading of the Bill be taken today?

Members voted Aye.

160 **Mr Speaker:** The Committee Stage and the Third Reading of the Bill will be taken today.

A Bill for an Act to amend the Supreme Court Act
First Reading approved

165 **Clerk:** A Bill for an Act to amend the Supreme Court Act. The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

170 **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.

175 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Supreme Court Act be read for a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

Supreme Court (Amendment) Act 2012
Second Reading approved

180 **Clerk:** The Supreme Court (Amendment) Act 2012.

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.

185 Mr Speaker, in July of this year, Parliament passed an amendment to the Magistrates' Court Act, which had the effect of increasing the age for magistrates and justices of the peace from 70 to 72. This Bill does the same, in terms of increasing the age, but for lay assessors under the Supreme Court Act.

190 In order for a lay assessor to be appointed, that person needs to be qualified to be on the Jurors' List and be no more than 70 years old. The Government received representations, in particular from the Judicial Services Commission, about the desirability of increasing the age to 72 and the Government has accepted that recommendation and has put forward this Bill for that purpose.

I have, Mr Speaker, given notice that I will be moving at Committee Stage an amendment to the Bill. What the amendment does is allow justices of the peace to sit also as lay assessors. This again follows representations made to the Government by the Magistrates' Association, on the basis that their experience and expertise could be well utilised, if they were to be called upon to be lay assessors.

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As the Act currently stands, they would not be able to do so, because of the requirement to be on the Jurors' List. Justices of the peace are not entitled to go on the Jurors' List, so therefore they were exempt from the possibility of applying for lay assessors or being appointed as lay assessors. What the amendment does is allow simply the appointment of justices of the peace as lay assessors.

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Mr Speaker, I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. Daniel Feetham.

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Hon. D A Feetham: Yes, Mr Speaker, I think that we have had exchanges in relation to this in the past. I think that it is a sensible proposal by the Government and therefore it will enjoy the support of the Opposition benches.

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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. (**Members:** Aye.) Those against. Carried.

215

**Supreme Court (Amendment) Act 2012
Committee Stage and Third Reading to be taken at this sitting**

Clerk: The Supreme Court (Amendment) Act 2012.

220

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.

225

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members voted Aye.

Mr Speaker: The Committee Stage and Third Reading will be taken today.

230

**A Bill for an Act to provide protection for employees and
other workers who disclose information in the public interest
First Reading approved**

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Clerk: A Bill for an Act to provide protection for employees and other workers who disclose information in the public interest. 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, I have the honour to move that a Bill for an Act to provide protection for employees and other workers who disclose information in the public interest be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to provide protection for employees and other workers who disclose information in the public interest be read a first time. Those in favour. (**Members:** Aye.) Those against. Carried.

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**Employment (Public Interest Information) Act 2012
Second Reading approved**

Clerk: The Employment (Public Interest Information) Act 2012.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I beg to move that the Bill for the Employment (Public Interest Information) Act 2012 be read for a second time.

This Bill implements one of our manifesto commitments which we have referred to in the past as whistleblower protection, as is the case in the UK – the same terminology is used. The purpose of the Bill is to provide protection for people who come forward to provide information about abuse or other wrong doing and the way that we are proposing to do this is to amend the Employment Act in a similar way to such protection which exists elsewhere such as in the UK.

Members of this House will be aware that a Command Paper was presented and published in June 2012 on this matter and the Command Paper contained the draft version of the Bill. The Government received one single response, which was taken into account before publishing this Bill. The response did not necessitate any changes to the substance of the Bill, so the Bill before this House is as it appeared in the Command Paper.

On the Bill itself, the protection it provides extends virtually to all employees in the public, private and voluntary sectors and the reference to ‘workers’ is a wider definition than that of ‘employee’ in the rest of the Employment Act. Therefore it includes members of the Royal Gibraltar Police under section 45L.

It protects them, if they make a qualifying disclosure in accordance with the provisions of the Bill. A qualifying disclosure is a disclosure of information which the worker reasonably believes tends to show one or more of the following that it is either happening now, took place in the past, or is likely to happen in the future: a criminal offence; a breach of legal obligation; a miscarriage of justice; a danger to health or safety of an individual; damage to the environment; or deliberate concealment of information tending to show any of the above five matters.

In making the disclosure, the worker must have a reasonable belief that the information he or she is disclosing shows one or more of the matters listed above, which is referred to in the Bill as a ‘relevant failure’. For a belief to be reasonable in such cases, the worker must show that he or she actually held that belief and that it was reasonable to do so in the circumstances at the time of the disclosure, even though it may be that the belief was unfounded and it might subsequently be discovered that the worker was wrong.

When the worker makes a qualifying disclosure, he or she will be protected by the provisions of the Bill, if the disclosure is made under the right circumstances, including that it should be made in good faith. There are, however, some occasions when a worker would not be protected: for example, in making the disclosure, the worker commits a criminal offence by doing so, or if the disclosure is made by the legal adviser, when information is subject to legal professional privilege.

Under the Bill, protection can be sought, even if the relevant failure took place overseas, or where the law applying to a relevant failure was not that of Gibraltar. There are a number of persons to whom disclosures may be made, ranging from the employer, the legal adviser, Ministers, and prescribed persons by order of the Minister. Disclosure to any of these persons are subject to different requirements, which are set out in the proposed sections: 45C, 45D, 45E and 45F.

A qualifying disclosure will be a protected disclosure, even if it is not made by any of the people listed above if the following conditions are met, which are set out in 45G. The worker must be making the disclosure in good faith, must reasonably believe that the information and the allegations are substantially true and must not be acting for personal gain.

Additionally, one or more of the following conditions has to be made: the worker reasonably believed that he or she would be subjected to a detriment by his or her employer, if the disclosure was made to the employer or to a prescribed person; in the absence of an appropriately prescribed person, the worker reasonably believed that the disclosure to the employer would result in the destruction or concealment of evidence relating to the failure; and the worker had previously disclosed substantially the same information to his employer, or to a prescribed person.

Finally, it must be reasonable for the worker to make the disclosure. Guidance as to what is reasonable is also included in the section which sets out what the Industrial Tribunal would have to take into account if it was required to decide whether the worker acted reasonably in all the circumstances. This includes: the identity of the person to whom the disclosure was made; the seriousness of the failure; and whether the relevant failure is continuing or likely to continue in the failure; whether the disclosure is made in breach of the duty of confidentiality, or by an employer to any other person; whether the disclosure was previously made to the employer or a prescribed person; and whether the disclosure was previously made to an employer and the worker complied with internal procedures.

The proposed section 45H makes provision for disclosure of information relating to exceptionally serious failures. In such cases there are different requirements relating to such a disclosure.

The proposed sections further make provision for the voiding of contractual duties of confidentiality which might preclude workers from making such a disclosure. The Bill will protect workers from action taken, or which may be taken by their employer. For example, if an employee is dismissed because he or she made the disclosure, this will be treated as an unfair dismissal, which may be actioned as such.

315 Workers are given a new right not to be subjected to a detriment by their employers on the grounds that they have made a protected disclosure and workers may present a complaint to a tribunal, if they suffer detriment as a result. Such complaints must be made within three months or such other time as the tribunal considers reasonable. If the tribunal finds a complaint well founded, it shall make a declaration and may make an award of compensation to be paid by the employer and the amount shall be such as the tribunal considers just and equitable in the circumstances.

320 The Bill in fact follows closely the provisions of the Public Interest Disclosure Act 1998, which amended the Employment Act 1996.

I commend the Bill to the House.

325 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, yes.

330 Mr Speaker, unfortunately, in its current form, the Opposition is not able to support this Bill. I will express my concerns in relation to it and it may well be that a formula can be worked out, perhaps at Committee Stage. But of course, I will listen to what Minister Bossano has to say in response that may deal with our concerns, allowing the Opposition to support it.

335 Our concerns are that, although this is a Bill that has to be seen in the context that it is going to amend the Employment Act and it relates to workers, none of the disclosures or the so-called disclosures qualifying for protection are actually circumscribed by the worker's employment or the environment in which he works.

In other words, if one looks at, for example, proposed clause 45B(1), it says this:

340 'In this Part a "qualifying disclosure" means any disclosure of information, in other words, any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following—

- (a) that a criminal offence has been committed, is being committed or is likely to be committed;
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;
- (c) that a miscarriage of justice has occurred, is occurring, or is likely to occur...'

345 In its current form, it is our view that, though it may be *intended* by the Government that it ought to be read as circumstances relating to that person's employment, that is not the way that it reads and potentially, if this is allowed to go through, then the qualifying disclosures can be much wider. Yesterday, we were talking, jesting about the fact that when I drive home, I see people feeding the apes. That potentially may fall under something like this, because a criminal offence may be committed. I am a worker and I may then say, 'Well, I am a worker and I am entitled to whistleblow in that particular situation, without taking advantage of anonymity.' That is not the intention of this. I believe it is the effect of it and of course, if the Government were to turn round and say, 'Alright, it is a valid point, we will agree to an amendment'... and the amendment that I had in mind, for example, is in 45B(1), after the words 'means any disclosure of information', add the words 'relating to his employment or the environment in which he works', and then when one turns to clause 45C(b), where it says:

355 'where the worker reasonably believes that the relevant failure relates solely or mainly to—
(i) the conduct of a person other than his employer, or
(ii) any other matter for which a person other than his employer has legal responsibility,'

360 – again, wider, potentially, than circumstances relating to his employment –

'to that other person'

365 and I would add there: 'provided that the relevant failure or other matter relates to circumstances relating to the worker's employment.' If that formula of words, or something similar, can be worked out and either agreed or something similar can be suggested from the Government benches to make it absolutely clear that this relates to the working environment – the worker and the working environment and no wider than that – then it *would* have the support of the Opposition benches.

370 Otherwise, I am afraid that this goes too far and we are not inclined... we will not support it, because potentially it allows workers, with the benefit of all the protection in this Bill, to just simply whistleblow in circumstances where I do not think, and we do not think, that the Bill is intended to cover.

375 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, we do not think that that is a possibility, because the structure of this Bill, inserting into the employment provisions of our law, is clearly relating to workers, dealing with aspects relating to their employment or in the carve-out which is provided for in the section that the hon. Gentleman has just taken us to.

Therefore, the hon. Gentleman is raising a point which we think is a non-point. He is identifying that he agrees with us in respect of what it is that we all wish to provide coverage for. We are not advised that this is an issue. In the hon. Gentleman's interpretation, this Bill covers anyone in Gibraltar who is in employment who witnesses any offence being committed and who then, instead of having such obligations or rights as he may have to report that matter, actually uses this particular amendment of the legislation as a cloak to ask for anonymity in that reporting. Mr Speaker, we do not think that is, in any way, a point of substance that causes us concern.

If an individual went to the police station and said, 'Look, I have seen an offence being committed and I am very worried about reporting it, because of the repercussions that could happen to me,' well, the Police have certain powers to assist that individual to deal with what he is telling them as intelligence, for example, rather than as evidence and in that way have some protection, if there is a good reason for the individual to seek protection in certain circumstances and within the discretion of the officers who may be dealing with the matter or of the Attorney, when it came to bringing a prosecution in respect of that information.

This Bill is being dealt with in this way, in particular, in order to ensure that it is clear – and we think it is abundantly clear – that what you are dealing with here are matters relating to employment and workers in the context of the legislation, clearly relating therefore to employment circumstances. So, Mr Speaker, although the hon. Gentleman has raised the issue, I do not think that this has merit requiring us to agree to an amendment.

But I will say this to him: although we do not agree that it is a relevant point, now that he has raised it and we are saying that the Bill is not intended to cover any of those circumstances and it is employment legislation for that purpose, I think he should rest assured that if anybody needs to look at any aspect of this piece of legislation, once it is an Act, if there should be *any doubt*, under the principles in *Pepper v. Hart*, then they will be able to see in *Hansard* that that is not the intention of the legislature at all.

Not that we believe for one moment that it is possible to read the Bill in that way, other than mischievously. I am not suggesting that the hon. Gentleman is reading it mischievously, but a lawyer might read it mischievously for the purposes of interpretation, in a case in a court or in a tribunal in this jurisdiction. They will now have that door closed to them, by the hon. Gentleman having raised the point – I do not think mischievously; I think genuinely – and the Government having dealt with it.

Mr Speaker: Does any other hon. Member wish to – ? I am not sure you are allowed to... but I am not saying no, but the rules of debate are that everybody gets only one say in the matter. The usual process is to allow a Member to give way, but because of the nature of debate, I will allow...

Ah, the Hon. Gilbert Licudi. There is a way there! No doubt you will allow him to [*inaudible*]!

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): I was going to say that, if the hon. Member wants to say anything and he asks me to give way –

Mr Speaker: I was not going to rule him out altogether, but I am glad the Hon. Minister – I appreciate that –

Hon. G H Licudi: It is a Rule, that a Member speaks only once and then the speaker... the mover of the Bill –

Mr Speaker: No, but everyone gets only one say, anyway.

Hon. G H Licudi: Yes, that is absolutely right, sir. If the hon. Member, before I sit down, wants me to give way – does he want to – ?

Hon. D A Feetham: I am very grateful.

Hon. G H Licudi: Do you want to speak now, or after you hear what I have to say?

Hon. D A Feetham: Well, perhaps you might have your say and then I will –

Mr Speaker: You may not get a third bite of the cherry!

440 **Hon. D A Feetham:** Mr Speaker, I am perfectly aware of the Rules. We have been tolerant and lenient in the past in relation to this –

Mr Speaker: No, no exactly. I was not going to rule it out altogether, but I just thought I would point it out.

445 The Hon. the Minister for Justice.

Hon. G H Licudi: Mr Speaker, the point has been emphasised by the Chief Minister as to the context of this Bill and what it is intended to do. The very fact that it is brought to this House, not as a self-standing Bill for an Act, but as an amendment to the Employment Act precisely shows the context that this is the employment scenario.

450 But the Bill actually goes further than that. What we have to analyse in this context is what it is that this Bill does. This Bill is not about people going out and making disclosures. Anybody can go out and make a disclosure today about a criminal offence and all the other matters which are set out in the Bill. The purpose of the Bill is to provide *protection* in respect of that disclosure and what the hon. Members need to look at is what is the nature of that protection. The nature of that protection is the specific right, a statutory right that is included in this Bill, specifically for the purposes of that protection. ‘Rights under this part’ are set out in what is now clause 45M, which says specifically:

460 ‘A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.’

Then 45N deals with complaints to the Industrial Tribunal, a complaint against the employer in respect of any detriment caused to the employment situation as a result of the disclosure.

465 So that is what this Bill is intended to do, to protect a worker in respect of detriment by the employer, arising from any disclosure which is listed.

It is important to remark and to reassert that anybody has the absolute right to make any disclosure of the type which is listed under ‘qualifying disclosure’ – *anybody* can do that – but what this does is go further than that and say *if* you do that *and* you are subjected to a detriment, that is a breach of a specific right which you have under the Bill and you can present a complaint to the Industrial Tribunal. Therefore, it is clear that it is in that context and that right exists in the employment scenario.

470 But I am happy to give way, if the hon. Member wants me to.

Mr Speaker: The Hon. Daniel Feetham.

475 **Hon. D A Feetham:** I am very grateful to him for his contribution, which is always constructive. (*Interjection*) Look, there is a distinction here – (*Interjection*) There is a distinction between context and whether a particular disclosure is actually circumscribed by the principal Act. I accept that the context is the Employment Act, the context is a worker making the disclosure. I accept all that; but what I do not actually see in this Bill – and that is why we are concerned about it... Let me say that our concerns are not concerns that I have just simply thought about last night, looking at this Bill. I actually sat down with the Leader of the Opposition and looked at this and we were very concerned about the width of the disclosures, and also in particular clause 45C(b).

480 There is nothing in this Bill that actually circumscribes the nature of the disclosure and 45C(b) actually goes further. It is not even disclosure to the employer; it is disclosure to another person. All I am saying here, in relation to this, is if you want the support of the Opposition, let us make it absolutely clear that that is the context. I have suggested some language that you may wish to consider. There may be other language that the Government may want to propose.

485 I do not want to drag the point, but those are the concerns. I think that they are valid concerns and, at the present moment, taking into account this Bill, it does allow for disclosures that are wider and potentially, I think, there is a potential of misuse of the Bill.

490 The Chief Minister has said the courts can take into account debates in Parliament; but we all know that there are specific principles involved in relation to whether courts can take into account, in statutory interpretation, debates in *Hansard*. With respect, it is not as simple as what the Chief Minister has outlined to this House.

495 I think it is a simple point. Let’s just make the Bill clear, that it relates to these kind of circumstances and then it will enjoy the support of the Opposition – otherwise I am afraid that it will not.

500 **Hon. G H Licudi:** Mr Speaker, the hon. Member talks about context. It is not just the context; it is the specifics. It is the substantive issues that arise and what the hon. Member says – and he should reflect on what he is saying – his specific words are ‘this does allow for disclosures that are wider than necessary in the employment situation and permits abuse’.

505 This is not a Bill which is intended to proscribe – in other words, to limit – any behaviour that any of us are perfectly entitled to do today. So what disclosure is wider under this Bill than what I can do today by going to the Police and reporting a criminal offence or by making any other disclosure in respect of the six or the five items that are listed under ‘qualifying disclosure’? There is no limit. There is no proscription in any law, except possibly a confidentiality clause, rules of defamation, but other than those limits which are set out by law, other than those issues which are part of the general framework of our legislation and our common law system, *anybody*, whether a worker or not a worker, can make any disclosure of the kind described in this Bill.

510 So that is not what this Bill is about. This Bill is not about describing the types of disclosure that you can make; it is simply about giving a right to a worker of protection from detriment by your employer, *if you make* a disclosure that you can make in any event, regardless of this Bill. So you can go out, a worker or non-worker, in the street today and make this disclosure – nothing happens. But if you are subjected as a worker to a detriment by your employer, this Bill provides protection. It gives you an absolute right not to be subjected to detriment and a right to make a complaint against your employer in the Industrial Tribunal. That is what this Bill is about and not about allowing or disallowing disclosure.

515 So with the greatest respect – and I acknowledge the contribution that the hon. Member has made and it is clearly well intended and well meaning, with a suggestion of an amendment – but as the Hon. Chief Minister said, it is absolutely not necessary, because we do not want to give any sort of impression, in this Bill or otherwise, that we are limiting the rights of citizens out there in the street to make disclosures in the public interest. *Everybody* can do that, but workers who do that should not be subjected to a detriment in the context of their employment. That is what this Bill does.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

525 Does the mover of the Bill wish to reply? The Hon. the Minister for Employment.

Hon. J J Bossano: Well, Mr Speaker, first of all, we have got a manifesto commitment and therefore, we are going to implement what we committed to in the manifesto. If the Opposition wish to vote in favour, they can and if they wish to vote against, so be it.

530 Let me say that I have got here the UK law that was passed in 1998. The hon. Member has spent many years in the United Kingdom. I have never come across anybody in the United Kingdom arguing that the UK law should be changed since 1998, which is in fact 14 years, because there was a danger that this law might be used for anything other than what it was intended. In fact, the provisions are identical, down to the last full stop and comma – in fact, the United Kingdom law, section 43B, ‘Disclosures qualifying for protection’, broken down in (a) to (f) are an exact replica, because of course it has been copied from it – of 45B(1)(a) to (f). So the answer is we see no reason to depart from what has been in place in the law of the United Kingdom since 1998 and in which, in our view, is long overdue and should have been here, and the previous Government should have done in the 15 years they were there. It came into the legislation of the United Kingdom two years after the 1996 election.

540 Strangely enough, they have provided, in fact, similar protection by regulation for employees of European companies and apparently they did not see anything wrong with the wording they put there. This was done by them in 2005 and amended by me in 2012, as a result of a Directive that was amending the previous Directive which required it. They had no choice of course – it was EU law. But I find it odd that they should have decided in 2005 to give protection to people who work for European companies but not to the workers of Gibraltar and Gibraltarian companies. (**A Member:** Hear, hear.) (*Banging on desks*)

545 In addition, there is a very important area here, in terms of the work of the Employment Service. I am sure that anybody on that side who was previously working in the Employment Service will know that the problem that exists with people who are not being paid the legal wage is that there is no protection in the law of Gibraltar against an employer that is not paying the legal minimum wage. For example, we have got a legal minimum wage now of £5.70 and if somebody is paid less, the Labour Inspectors, if they can find the evidence, can require the employer to pay it and in fact we can prosecute it, because it is a criminal offence not to be doing it. They are breaking the legislation which is there to protect good employers against bad ones, as well as protecting employees. But the employee who reports this is not protected against dismissal in the first 52 weeks of his work, so nobody will come forward, and even after 550 the 52 weeks they do not come forward. So people get told quite openly, ‘If you don’t like the wage, there is the door’, and there is nothing they can do because we do not protect them.

555 With this law somebody can, in their first week of employment, go to the Employment Service and say, ‘This is what my employer is doing’, and if he gets sacked, even though he has not had 52 weeks of continuous service, this law gives him immediate protection. That, I hope, will have an immediate effect in ensuring that those employers who have not been able to get to comply with the law in the past will 560 comply with the law in the future.

I see the main effect of this legislation, in fact, in ensuring that workers who are in the private sector and are not receiving what the law entitles them to will be able to come forward as soon as this is on the statute book and the Employment Service and the Labour Inspectors will be able to *ensure* that those workers are protected, that the law is observed, and those workers will then be entitled, if they are suffering detriment, in the sense that they are sacked as a result of coming forward and giving the evidence, they are protected because it then is an automatic unfair dismissal and there is no limit to the compensation.

So I commend the Bill to the House. (*Applause*)

Mr Speaker: I now put the question, which is that a Bill for an Act to provide protection for employees and other workers who disclose information in the public interest be read a second time. Those in favour; those against.

Members voted as follows:

FOR

Hon. P J Balban
Hon. J J Bossano
Hon. C A Bruzon
Hon. Dr J E Cortes
Hon. N F Costa
Hon. Dr J J Garcia
Hon. G H Licudi
Hon. S E Linares
Hon. F R Picardo
Hon. Miss S J Sacramento

AGAINST

Hon. D J Bossino
Hon. Mrs I M Ellul-Hammond
Hon. D A Feetham
Hon. S M Figueras
Hon. J J Netto
Hon. E J Reyes

Mr Speaker: Carried. (*Interjections*) I counted it as six.

Hon. G H Licudi: So there is only one, *no*?

Mr Speaker: I counted it as six.

**Employment (Public Interest Information) Act 2012
Committee Stage and Third Reading to be taken at this sitting**

Clerk: The Employment (Public Interest Information) Act 2012.

Mr Speaker: Does the Hon. Minister want the Committee Stage taken today? (*Laughter and interjections*)

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members voted Aye.

Mr Speaker: The Committee Stage and Third Reading of the Bill will be taken today.

COMMITTEE STAGE

**Public Health (Amendment) Bill 2012
Smoke-Free Environment Bill 2012
Supreme Court (Amendment) Bill 2012
Employment (Public Interest Information) Bill 2012**

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister.

630 **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 Public Health (Amendment) Bill 2012; the Smoke-Free Environment Bill 2012; the Supreme Court (Amendment) Bill 2012; and the Employment (Public Interest Information) Bill 2012.

In Committee of the whole Parliament:

635 **Public Health (Amendment) Bill 2012**
Clauses considered and approved

Clerk : A Bill for an Act to amend the Public Health Act.
Clause 1.

640 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

645 **Mr Chairman:** Clause 2 stands part of the Bill.

Clerk: The Long Title.

650 **Mr Chairman:** The Long Title stands part of the Bill.

Smoke-Free Environment Bill 2012
Clauses considered and approved

655 **Clerk :** A Bill for an Act to prohibit smoking in certain places, premises and vehicles.
Clause 1.

660 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

665 **Clerk:** Clauses 3 to 5.

670 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, for the sake of clarification, can the Hon. Minister say if it will be considered... There is no provision for activity in the area. No provision of activity has been taken into account, for example, the eating in a conservatory and whether that would be considered...

675 Yes, a concern was felt that if an area was designated where smoking was allowed, for instance a covered area outside a restaurant, and we have received representations from the public where they felt uncomfortable with having a smoker on the table next to theirs while they were eating, and there is no provision for activity in those areas within these sections.

Minister for Health and Environment (Hon. Dr. J E Cortes): Mr Speaker, this relates to premises and not activity.

680 An area outside a restaurant could well be considered an enclosed area because even though it is a temporary awning, if there is sufficient cover along the sides, and it is defined in the Bill – I believe it is more than 50% of the sides, excluding doors and windows – that is considered an enclosed space. So even outside a restaurant, if it were significantly enclosed, that would be prohibited. If it is completely unenclosed, then that would not be prohibited and not covered in this Bill, although I believe there are moves elsewhere and perhaps we would catch up with that later.

685 But at this point in time the activity does not fall within the confines of this Bill.

Hon. S M Figueras: Mr Chairman, we have only raised the concern in the context of the developing trend that is becoming apparent elsewhere and certainly just to put it in mind, although you may well have... you indeed already seem to have had it in mind, of such developments.

690

But I am grateful for the discussion of this [*inaudible*].

Hon. Dr. J E Cortes: Yes, it is something that *may* develop in other countries and we will want to keep abreast with that and not have to catch up afterwards.

695

Hon. D J Bossino: Mr Chairman, could the Minister just assist me for one moment? What provision does he say is defined in the Bill?

Hon. Dr. J E Cortes: What I said is that it determines what an enclosed space is. For example –

700

Hon. D J Bossino: It has just been identified to me and it is clause 2(3).

Hon. Dr. J E Cortes: – that describes what... that is right.

Mr Chairman: Clauses 3 to 5 stand part of the Bill.

705

Clerk: Clauses 6 and 7.

Hon. S M Figueras: I am sorry, Mr Chairman, sorry.

710

In respect of clause 4, 'Public service vehicles'... (*Interjection by Hon. Dr. J E Cortes*) Yes. In relation to the clause that covers public service vehicles, it just occurs to me something actually we have discussed beforehand, it just occurs to me where such a vehicle is used for those purposes, does this cover smoking in the vehicle when it is not occupied for the purposes of that service – for example, a taxi driver when he has no fares on board. Does this provision cover that instance as well?

715

Hon. Dr. J E Cortes: I think by reading it, Mr Chairman, it is prohibited at all times in any vehicle which is used or is licensed to be used.

720

Hon. S M Figueras: I am grateful, Mr Chairman. I am grateful for the clarification because certainly, obviously, there is an issue relating to the presence of tobacco fumes in vehicles, even for some time after with open windows and doors, and I merely wanted to have that clarifying conversation between us.

Hon. Dr. J E Cortes: And the smell as well within the vehicle, Mr Chairman.

725

Mr Chairman: Are we content with clauses 6 and 7? Clauses 6 and 7 stand part of the Bill.

Clerk: Clause 8.

730

Hon. Mrs I M Ellul-Hammond: Mr Chairman, within the specified premises where smoking is allowed, does this mean that the workers in these institutions can also smoke in these areas or just the residents of those particular rooms or institutions?

735

Hon. Dr. J E Cortes: Again, it defines, Mr Chairman, the areas by space. It is not prohibited in a designated room that is used as... One would have thought that the workers would not be smoking in those rooms, but it actually designates the room where smoking is not prohibited.

740

Hon. S M Figueras: Yes, perhaps, Mr Chairman, on the other side of that and the fact that smoking would be allowed in those rooms, workers in those areas who do not smoke, has the Government considered the issue for employees who are employed in that environment and the affect that that may have on them? Is this something which is obviously not covered in this particular Bill?

745

Hon. Mrs I M Ellul-Hammond: Carrying on from what my hon. Friend has said, for instance, there is protection for workers in clause 6(2). Is there something similar for these – ?

Hon. Dr. J E Cortes: A residential home would be a public space, so it would be covered because it is a public area, an area to which the public is allowed; but the exemption is in those designated rooms (**Hon. S M Figueras:** Yes.) like in a hotel. In a hotel you are not allowed to smoke except in those designated rooms which are designated as smoking.

750 **Hon. S M Figueras:** Yes, but the point we raise is only in respect of the protection of employees having to work in those areas and again, it is not a bone of contention. It is just an issue that we raise, because it is certainly something that has been represented to us on a couple of occasions by some constituents who have identified that it is an issue for these employees in the areas where smoking is allowed.

755 **Chief Minister (Hon. F R Picardo):** Yes. Can I just say, Mr Speaker, perhaps the point is this, and to ask the hon. Lady and Gentleman how it is that they were going to protect workers in the private clubs and restaurants that operated isolated and separately ventilated smoking rooms, where they *would* have allowed smoking?

760 You see, the policy that is being given effect to by these two Bills actually takes into consideration that even in letting bars, restaurants and private clubs who have isolated rooms to allow smoking, which our Bill does not but theirs would have, you would have been exposing employees to smoking.

So the only people sitting in those areas to have their meals would be those who wanted to sit in smoking areas, but the employees would not necessarily have wanted to be in smoky environments, but if they had the job in that restaurant or that private club, they would have been exposed to smoking.

765 So in the context of what they were committed to doing, employees – smokers and non-smokers – would have been exposed to smoking. In the context of what we are doing, there is a very tight control in respect of where that exposure will occur is much tighter than this would have allowed.

So that is the issue, I think, to try and reconcile.

770 **Hon. S M Figueras:** Mr Chairman, with respect to the Chief Minister, I did say, the moment before he made his contribution, that this is not a matter of contention between us. It was something that I was certainly highlighting or that had come to our notice, post the election and post those commitments, which in any event are irrelevant today, in the extent that this is a policy that is now being pursued by the Government and which we are commending the Government for.

775 Again, it is just an issue we are highlighting for discussion, or perhaps just to bear in mind again as part of the development of this policy.

780 **Hon. Dr. J E Cortes:** Mr Chairman, obviously we show great concern for the workers, but I think we have to focus this, as the Chief Minister has said, in that we have gone the whole hog, so to speak. We have to look at it the other way around.

This is an exemption to allow people who are in care homes, hospices, maybe in prison, who have to be there long term, who may already be smoking, to allow them some kind of exemption because they have no choice but to be there and one would have thought that any worker who has to enter those rooms would do that for relatively short periods of time.

785 But the focus here is on the people who actually have little choice but to be within those rooms.

Hon. Mrs I M Ellul-Hammond: Mr Chairman, clause 8(3)(c):

'has a ventilation system that does not ventilate into any other parts of the premises...'

790 How will this subclause work in existing premises?

795 **Hon. Dr. J E Cortes:** The ventilation would have to go outside the building. It would have to suck it outside the building. It would have to be done in such a way that the ventilation was not just circulated into another part of the building. *(Interjections)*

Mr Chairman: Before we leave clause 8 should not, in subclause (3), the word 'regulation' be replaced by the word 'Act'? This is an Act. *(Interjections)*

800 **Hon. Dr. J E Cortes:** Mr Chairman, thank you for spotting the deliberate mistake. *(Laughter)*

Mr Chairman: Clause 8, as amended, stands part of the Bill.

Clerk: Clauses 9, 10 and 11.

805 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, in clause 11(2), does that include clubs' premises?

Hon. Dr. J E Cortes: It says that this part does not extend in a place where retail of alcohol is allowed, so that includes any place where retail of alcohol for consumption is allowed.

810 **Hon. Mrs I M Ellul-Hammond:** Yes, the only reason I raise it is that we assume this has been taken based on the UK legislation, i.e. the Health Act 2006, and in that Act, in section 3B, it does specify, as it says in subclause (2), authorising for sale by retail of alcohol for consumption, but it also has a separate subclause saying:

815 'premises in respect of which a club premises certificate has effect.'

Hon. Dr. J E Cortes: That is not included here.

820 **Hon. Mrs I M Ellul-Hammond:** That is not? Do our clubs come under a different regime, or it is taken as read then that clubs would come under...?

Hon. Dr. J E Cortes: It is taken as read that they would come under this one if they sell alcohol.

825 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, just a minor matter: clause 11(1) reads:

'The Minister with responsibility for health may make regulations providing smoking not to be prohibited.'

830 It should probably read 'may make regulations providing *for* smoking not to be prohibited.'

Mr Chairman: So we add the word 'for' between 'providing' and 'smoking'.
Yes.

835 **Hon. Mrs I M Ellul-Hammond:** Mr Chairman, clause 11(6): is there a particular policy in that regard, and will there be guidelines?

840 **Hon. Dr. J E Cortes:** Mr Chairman, the policy is subclause (6), that before I consider making any regulations for exemptions, I feel that I need the advice of the person who is qualified in these areas, the Director of Public Health, to advise me of public health consequences. I feel that it is a safeguard to public health that the Director should be consulted, before I take it upon myself to make an exemption.

Mr Chairman: Are we content with 9, 10 and 11? Clauses 9, 10 and 11 stand part of the Bill.

845 **Clerk:** Clauses 12 and 13.

Mr Chairman: Clauses 12 and 13 stand part of the Bill.

Clerk: Clauses 14, 15 and 16.

850 **Mr Chairman:** Clauses 14 to 16 stand part of the Bill.

Clerk: The Long Title.

855 **Mr Chairman:** The Long Title stands part of the Bill.

Supreme Court (Amendment) Bill 2012
Clauses considered and approved

860 **Clerk:** A Bill for an Act to amend the Supreme Court Act.
Clause 1.

865 **Mr Chairman:** Clause 1 stands part of the Bill.

Clerk: Clause 2.

870 **Hon. E J Reyes:** Mr Chairman, I run the risk of being a little bit over pedantic, but in the suggested amendment by the Minister for Justice where he is, in effect, asking us to include the words 'or his being a justice of the peace', my first reaction is the nomenclature 'justice of the peace' is probably a proper noun – should it not carry a capital J and a capital P in the same way that in a previous Bill, when we referred

to Minister with capital M and to the Director of Public Health, who was capital D for Director and so on?

875 It is a small pedantic thing, but coming from the teaching profession, I sometimes am overkeen in trying to get this thing right. (*Laughter*)

880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Chairman, my recollection is that in the Magistrates' Court Act the definition of 'magistrate' says it includes a justice of the peace, and that uses small *j* and small *p*, but that is only recollection. I believe that is the case.

Clerk: Clause 2.

885 **Mr Chairman:** There are amendments moved by the Minister.

Hon. G H Licudi: Yes, Mr Chairman. In clause 2(3), I would ask that for the words, and I quote:

"the only reason for his disqualification from being a juror is his age"

890 we should substitute:

"the reason for his disqualification from being a juror is his age or his being a justice of the peace."

895 In clause 2(4), for the words:

“(other than by virtue of his age)”

we should substitute:

900 “(other than by virtue of his age or his being a justice of the peace)”.

Those are the only two amendments that I propose.

905 **Mr Chairman:** Clause 2, as amended, stands part of the Bill.

Clerk: The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

910

Employment (Public Interest Information) Bill 2012 Clauses considered and approved

915 **Clerk:** A Bill for an Act to provide protection for employees and other workers who disclose information in the public interest. Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

920 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

925 **Hon. D A Feetham:** Mr Chairman, to go back to clause 2, can I ask the Hon. the Minister just to explain, in relation to 45C(1)(b), where it says:

930 'where the worker reasonably believes that the relevant failure relates only or mainly to –
(i) the conduct of a person other than his employer, or
(ii) any other matter for which a person other than his employer has legal responsibility to that other person.'

– what circumstances does that clause envisage?

935 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I would imagine, Mr Speaker, that if you are in a place of employment and you see somebody committing a criminal offence, you do not ignore it just because, in fact, the person who is there may be a customer. If you go to report it to your employer and your employer sacks you because it is bad for business, then you go to the tribunal.

I can tell the hon. Member that that is also in UK law.

940 **Hon. D A Feetham:** Well, look, he has not provided me with the explanation, but in any event, we have had the debate.

945 **Hon. J J Bossano:** Mr Speaker, he has asked me to give him an example, which is... I have invented one on the spot for his benefit. I do not know what more he wants me to do for him.

Hon. D A Feetham: But that example cannot really be apposite, no. If you have a customer and the customer is doing something, you report it to the employer. Here, what we have is:

950 '(i) the conduct of a person other than his employer, or
(ii) any other matter for which a person other than his employer has legal responsibility, to that other person.'

955 I do not know what that particular section actually goes to. I can understand, according to the debate that we have had and the rationale that you have provided and the Minister for Justice has provided, that you may make a disclosure to your employer about something occurring within the context of the employment organisation, but (b)... I am not sure what (b) is actually intended to do.

960 **Mr Chairman:** As a lawyer, I would say a superior officer who is not an employer. Someone in between the chain of command. That would be his superior officer –

Chief Minister (Hon. F R Picardo): I am happy to give another example, if the hon. Gentleman likes.

965 If you have a situation where, for example, a law firm calls in a firm of accountants to do a job, the individual who comes in from the accountancy firm works for the accountancy firm. He may spot something in the law firm which he believes is contrary to law and he reports it, in this context, to the head of chambers at the law firm, not to his chief executive officer in the accountancy firm. That is covered by this clause.

970 **Mr Chairman:** That would be covered by the normal audit practice, anyway.

975 **Hon. Chief Minister:** Well, it might be, Mr Speaker, but what this does is that the accountant reporting the matter to the head of chambers cannot be sacked by the chief executive of the accountancy firm for having taken that step. If the head of chambers is very annoyed as a result and makes a complaint to the accountancy firm, or such other circumstances as might stem from that, it protects the employee of the accountancy firm, principally from the accountancy firm, for having taken that step in reporting something to the head of chambers.

Mr Chairman: Clause 2 stands part of the Bill.

980 **Clerk:** The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

985 *The House resumed.*

BILLS FOR THIRD READING

990 **Public Health (Amendment) Bill 2012**
Smoke-Free Environment Bill 2012
Supreme Court (Amendment) Bill 2012
Employment (Public Interest Information) Bill 2012
995 **Third Readings approved; Bills passed**

Clerk: The Hon. the Chief Minister.

1000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Public Health (Amendment) Bill 2012; the Smoke-Free Environment Bill 2012; the Supreme Court (Amendment) Bill 2012; the Employment (Public Interest Information) 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.

1005 **Mr Speaker:** I now put the question, which is that the Public Health (Amendment) Bill 2012, the Smoke-Free Environment Bill 2012, the Supreme Court (Amendment) Bill 2012 and the Employment (Public Interest Information) Bill 2012 be read a third time and passed.

Those in favour of the Public Health (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

Those in favour of the Smoke-Free Environment Bill 2012; (**Members:** Aye.) Those against. Carried.

1010 Those in favour of the Supreme Court (Amendment) Bill 2012; (**Members:** Aye.) Those against. Carried.

Those in favour of the Employment (Public Interest Information) Bill 2012; (**Members:** Aye.) Those against. Carried by majority. (*Interjection*) Only against the Employment.

1015 **Hon. Chief Minister:** I think, purely by inadvertence – but, for the purposes of *Hansard* – that the hon. Member voted against the Supreme Court (Amendment) Act.

Mr Speaker: No.

1020 **Clerk:** That is how it sounded. (*Interjections*)

Hon. D A Feetham: There appears to be a division on your side of the House as to whether I voted against.

1025 **Hon. Chief Minister:** Mr Speaker, let's be clear: the hon. Gentleman, when the noes were called, made a noise. He may have made an 'aye-no' noise, but he made it when the noes were called. (*Interjection*)

For the purposes of *Hansard*, can we just clarify that the Supreme Court (Amendment) Act has gone through unanimously?

1030 **Hon. D A Feetham:** Mr Speaker, absolutely. I indicated during the debate on the merits that we were voting in favour of it. I commended the Hon. the Minister for Justice on something that needed to be done, and that is the position of the Opposition. There appears to be division on your side, even on that!

1035 **Hon. Chief Minister:** When the Speaker called 'all those against' or called for the noes, the hon. Gentleman said 'Aye', and that –

Hon. D A Feetham: At that point.

1040 **Hon. Chief Minister:** – and that, for the purposes of *Hansard*, can be very confusing, so I think it is important that this should be clarified.

1045 **Mr Chairman:** My understanding was that the first three Bills were passed unanimously and the last Bill was passed by a Government majority. (*Interjections*) I had to prod them into voting against.

Questions for Oral Answer

1050 **EQUALITY AND SOCIAL SERVICES**

**Care Agency staff
Training and Development Programme**

1055 **Clerk:** Answers to Oral Questions continue.

Question 770/2012, the Hon. J J Netto.

1060 **Hon. J J Netto:** Mr Speaker, can I just say, before reading the Question, that with hindsight, having written the Question and submitted it, and when I actually saw it again, I came to the realisation that it is excessive in length. It is not intended to set a precedent, obviously, in the future, and obviously I shall take it into account that in the future it is not as excessive as this one. It is not intended to be so.

1065 **Mr Speaker:** My initial view, on reading this Question, was it *was* excessive and contrary to Standing Orders, but then I took the view that, if I had drawn it to the Hon. Member's attention, it would have been substituted by 32 Questions and, in all probability, several of them would be answered together. So without setting any precedent, it was allowed on this occasion.

1070 **Hon. J J Netto:** I am grateful and obviously it was not intended to be excessive in nature. Having said that, if I may continue then, with your ruling, Mr Speaker –

Chief Minister (Hon. F R Picardo): If I can assist the hon. Gentleman –

Mr Speaker: The Hon. Chief Minister.

1075 **Hon. Chief Minister:** If I can assist the hon. Gentleman, if he will give way, we are happy to take that Question as read, because I know it is a very long question for him to have to read into *Hansard*.

Mr Speaker: I am told *Hansard* needs a full recording.

1080 **Hon. Chief Minister:** Because now... Sorry, well, we were prepared to take it as read, but now that it is a recorded *Hansard*, I am afraid that it is –

1085 **Hon. J J Netto:** Could I propose a hybrid. Could I propose the beginning and the end? Would that be sufficient?

Mr Speaker: No, I am told by the Clerk... I did discuss this with the Clerk before we sat. I am told that for *Hansard* purposes, I am afraid the hon. Member will have to expend energy.

1090 **Hon. J J Netto:** I shall have my friend to fill a glass of water here for me! (*Laughter and interjections*)

1095 Mr Speaker, can the Minister for Social Affairs state if the Staff Training and Development Programme for the Care Agency staff for 1st April 2012 to 30th March 2013 contains any of the following: (1) General Information; (2) Staff Training Record; (3) Application for Training Forms (Training outside Care Agency); (4) Internal Training Request Form; (5) Training Evaluation Form; (6) Proposals for Training Form; (7) Training Timetable; (8) Presentation Skills Course; (9) DCRT-Conflict Resolution Training (Level 1 Trainers Update); (10) Missing Persons Training; (11) DCRT-Conflict Resolution Training (Level 2 Train the Trainer); (12) Safeguarding Vulnerable Adults-Policy & Procedure Training; (13) Within the Generic Core Training-Timetable: (a) Introduction to the Care Agency; (b) Health and Safety, Food Hygiene and Infection Control; (c) Values, Attitudes and Beliefs; (d) Professional Boundaries; (e) the Importance of Carer Workers and Caring; (f) DCRT-Conflict Resolution Training (Level 1); (g) Effective Communication; (h) Safeguarding Vulnerable Service Users; (i) Manual Handling Training; (j) Accountability, Responsibility and Medication Training (Assessed); (k) Fire Safety, EVAC Chair and Anglia Blanket; (l) Emergency First Aid at Work; (m) Customer Care; (n) Alcohol/Drug Abuse-Awareness and Policies in the Care Agency; (o) DCRT-Conflict Resolution (Level1-Refresher); (p) Manual Handling, EVAC Chair/Anglia Blanket, Basic Life Support (Refresher Course); (q) DCRT-Conflict Resolution Training (Level 2); (14) Headway-Acquired Brain Injury – Challenging Behaviour; (15) Headway-Acquired Brain Injury – Understanding the Brain, its physical, cognitive, behavioural and emotional effects (Day 1); (16) Headway-Acquired Brain Injury – Challenging Behaviour (Day 2); (17) the 12-hour Paediatric First Aid Course; (18) Emergency First Aid at Work (1 day); (19) People Handling and Risk Assessment Key Trainers Certificate and Children; (20) Handling supplementary day (5 days Trainer the Trainer course); (21) Basic Life Support – Train the Trainer; (22) Mentorship for Practice (5 days); (23) Eastern Beach Mobility Assistant Induction Training; (24) Level 3 Chartered Institute of Environmental Health Accredited – Health and Safety in the Workplace (days); (25) BVS Online Training; (26) NVQ A1 Assessors course (Level 3); (27) NVQ Health and Social Care Levels 2 and 3; (28) Children Act Training; (29) 12-hour Paediatric First Aid Course; (30) Makaton Training; (31) ILM (Institute of Leadership and Management) Level 2 Award in Team Leading; and (32)

if any of the above have not been included, which one(s) is/are they, and if there is/are additional item(s) which is/are over and above those listed above, which one(s) is/are they?

1120 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I am grateful to the hon. Member for acknowledging that his Question and the format is in fact in breach of Standing Orders. Perhaps it may have been easier if this was a Written Question.

1125 In any event, Mr Speaker, let me start off by saying – although, of course, I am sure that this was an innocuous mistake – but I think that, for the record, I want to make it clear that my title is the Minister for Social Services and not Social Affairs, which is what the – (**Several Members:** Ooh!) For the sake of *Hansard*, Mr Speaker.

1130 **Mr Speaker:** Valid point.

Hon. Miss S J Sacramento: I assume that the information contained in this Question is from the 2011 Training Manual, which the hon. Member has retained and I can confirm that the above mentioned has been included in the Care Agency Staff Training and Development Programme for the Care Agency for 1st April 2012 to 30th March 2013, with the exception of numbers (3) and (5), because they have been updated and amended; (8), (10), (11), (12), (14), (17), (19), (20), (23), (24) and (27) to (31) because they were specific service requests for that time period.

1135 Items (13)(e), (g), (h), (n) and (q) have been updated and delivered as part of another session and are now done as in-house training.

1140 Additional items have been included in this programme. I am now handing the hon. Member a list of additional items.

ANSWER TO QUESTION 770 OF 2012

Additional items included in the Programme are as follows:

Form 1 – In-house Training
Form 2 – Application Form for NVQ Assessors Course
Form 3 – Application Form for NVQ Level 2 in Health and Social Care
Form 5 – Application for External Training
Form 7 – Union Training (approved Leave form)
Form 8 – Online Training
Care Agency Course Evaluation Form (revised)

As part of the Generic Core Training:

- Introduction to Personal Development
- Principles of Safeguarding and Protection in Health and Social Care
- Introduction to the Role of the Health and Social Care Worker and Duty of Care
- Equality and Inclusion
- Introduction to Communication in Health and Social Care and Handling Information.
- Implementing Person-Centred Approaches in Health and Social Care
- Meeting the Needs of our Service User's
- Practical Skills

First Aid at Work (3 days)

Level 2 Award in Food Safety and Food Hygiene from the Chartered Institute of Environmental Health (UK)

Level 2 Award in Environmental Principles and Practice (Chartered Institute of Environmental Health)

Level 2 Award Principles of Risk Assessment (Chartered Institute of Environmental Health)

British Sign Language Course – Level 1

EVAC Chair – Key Trainer Course

Manual Handler Train the Trainer Course

Manual Handling Trainers Refresher Course

Basic Life Support Trainer Refresher Course

First Aid at Work – 2 day Refresher Course

Charlie Bloe Online Training

Social Care Institute for Excellence E-learning

Cont.....

ANSWER TO QUESTION 770 OF 2012

NVQ Health and Social Care Level 2
Additional Supplements to Training and Development programme since April 2012
Additional Generic Core Training Programme
Train the Trainer Safeguarding Adults at Risk Basic Awareness training programme
Venepuncture Assessor Course
Basic Excel Computer Course
Intermediate Excel Computer Course

1145

HOUSING AND THE ELDERLY

**Mid Harbour Estate
Maintenance**

1150

Clerk: Question 771, the Hon. D J Bossino.

1155

Hon. D J Bossino: Mr Speaker, I am asking this Question, although I do not have shadow responsibility for housing, only because my hon. Friend, Mr Reyes, was away at the time and we wanted, as an Opposition, to submit this Question for tabling for Oral Questions in this House. Just to explain that to those listening in.

1160

Can the Minister for Housing advise this House what arrangements are in place in relation to the general upkeep and maintenance of the Mid Harbour Estate, to include, in particular, the replanting of the flower beds, the re-installation of the gym equipment and the children's play area?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1165

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, with regard to the general upkeep and maintenance of the Estate, this is carried out by GJBS. The replanting of the flower beds is carried out by Greenarc, as part of the initial contract.

The department responsible for the maintenance of all play areas, including gym equipment, is the Gibraltar Sports and Leisure Authority, who are currently involved in carrying out the necessary repairs in connection with the gym equipment and the children's play area.

1170

Hon. D J Bossino: I understand from representations which have been made to us as a party that the play area is not yet ready and, furthermore, that the gym equipment – or the fitness equipment may be a more appropriate term to use, in these circumstances – I understand it is equipment which is used by people outside and not in an enclosed area – is not yet available and is still currently in a store room.

1175

So in the light of those prevailing facts, I would ask the Hon. Minister if he could advise when he thinks these two aspects within the Estate will be complete and ready for use.

1180

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may, I will answer that question, because it is the Gibraltar Sports and Leisure Authority which is in charge of the playground and the fitness area and yes, he is right it is not in place yet. Unfortunately, it needed to be lifted because of water penetration on the parking spaces underneath.

1185

What happened was that it was done in such a rush and so quickly to be put on the podium, that advice given to the GSLA not to place it there was ignored and therefore they did place it there, which meant that the bolts that were holding the play area plus the gym equipment penetrated what was a layer of tarmac or tarmacking underneath the podium and therefore has now created the problem of water penetration underneath.

1190

So what has happened is that, when I went there, the solution to the problem was to lift everything off, get the contractors to put a new tarmacking underneath and then, therefore, place these things in the right way, so that there is no penetration through the tarmac and no penetration of water underneath.

So there has had to be extensive works that have to be done because the professionals' advice previously was not listened to and therefore this is the consequences of the delay.

Hon. D J Bossino: I hear what the Minister says and I cannot necessarily rebut what he is saying specifically in his initial words in his reply, where he says 'because of the rush' – I am not in a position to refute that or otherwise, but it is certainly something I will investigate.

1195

Mr Speaker, I am not sure that the supplementary has been answered, which is when does the Hon. Minister for Housing – or in this case perhaps, the hon. Member with responsibility for Sports – thinks that these amenities will be available?

1200

Hon. S E Linares: Mr Speaker, as soon as is possible and I am talking – pardon? (*Interjection*) No, I cannot give you the time, because then you will hold me to the time, basically; but I am telling you that I am pressing, I can assure you that I am pressing both the GSLA, the contractors and anybody who is responsible to put that back, to put it as soon as possible. I am pressing on that.

1205

I am hoping that it will be weeks, rather than months, so I can give you that indication, because what happens is that I am pressing as much as I can, but it is a physical thing. If it is not ready, it is not ready, but I can tell you because I am aware that children there cannot use the playground and I am aware that people who used to use that training facility and the gym cannot use it. So, as Minister, I want it ASAP.

Mr Speaker: The Hon. Edwin Reyes.

1210

Hon. E J Reyes: May I, Mr Speaker, come back to the Minister for Housing, who kindly told us that the general upkeep and maintenance for the Mid Harbour Estate was undertaken, those tasks were undertaken by GJBS. Just for the sake of clarity, does that include the replacement of the fused light bulbs, which has been a cause of previous questions in the past? The Minister at that time was not exactly sure. Maybe he has been enlightened now in respect of light bulbs.

1215

Hon. C A Bruzon: The replacing of a light bulb will be done by our technical staff in the City Hall, I am sure. If it is something major, then of course we will involve GJBS.

1220

Hon. D J Bossino: The reason we are asking is because I am not sure if the Minister is aware – I am sure he himself may have been at the receiving end of representations, as indeed we have – as to the general state of the Estate. Does he have any information with regard to this and can he supply us with any information with regard to this? Is he concerned that the Estate may not be up to scratch, in terms of maintenance and the like?

1225

Hon. C A Bruzon: I am not quite sure what you mean by 'the general state' of the Estate – if you could define that a little more clearly?

1230

Hon. D J Bossino: There have been complaints in relation to the inordinate amount of time, we believe, it takes for repairs to be undertaken – like, for example, my hon. Friend referred to, the fixing of light bulbs. I raise that as one specific example.

1235

Hon. C A Bruzon: I was not aware that it takes such a long time, but I can confirm to the hon. Gentleman that I will be meeting the Committee, and I am sure that they will raise points, such as the one you have raised now. As I say to all the other representatives from different Government estates, these simple issues should be addressed immediately and there should be no delays.

So that is the message I want to convey to you and to the tenants of the Estate.

1240

Hon. D J Bossino: Yes, those are, indeed, simple issues which ought to be addressed as quickly as possible. But I would ask the Minister – given that he has indicated that he will be meeting the Committee of the Estate – as to when he... Is a meeting scheduled? If so, when is that meeting to take place?

1245

Hon. C A Bruzon: The date is not scheduled yet, but we have been in correspondence and my secretary will be contacting them soon to arrange a date, probably mid to end of October.

Flats currently empty and awaiting repairs Details

1250

Clerk: Question 772, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to his answer given in Question 638/2012, can the Minister for Housing state how many flats are currently empty and awaiting repairs, giving a breakdown in respect of:

1255 (a) pre-war and post-war flats; (b) flat size composition; (c) the dates as from when these flats have been empty; (d) the nature of repairs which are required to be undertaken before they may be reallocated?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1260 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the information requested has already been published online on the Government website.

Hon. E J Reyes: Mr Speaker, I do not think the full extent of what is requested is available. I did come here to Parliament and went online and checked it and, certainly, the full extent was not available there.

1265 Perhaps we are going to have to agree to disagree, but I did not find the full... I did in respect of other Questions that I have asked in the past, but not in respect of this one, Mr Speaker.

1270 **Hon. C A Bruzon:** I have got a note here that says that these are published in tables at pages 30 and 31 – if you would like to make a note of that. Should the information not be there, obviously if you call my secretary, I would be happy to ask my staff to provide you with the information.

1275 **Hon. E J Reyes:** I think, Mr Speaker, that is the best mutual arrangement we can come to. I will check the tables on pages 30 and 31 and should I experience any difficulties, then I will be in contact with the Minister's office.

**Housing Waiting Lists
Details**

1280 **Clerk:** Question 773, the Hon. E J Reyes.

1285 **Hon. E J Reyes:** Can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists have, since his answer given to Question 651/2012, been allocated a flat, giving a breakdown of the size of home as well as indicating if they pertained to either the Social or Medical Waiting Lists category?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1290 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, I will now hand over to the Hon. Member a schedule containing the information requested.
In general I can say that a total of 39 applicants have been allocated a flat.

ANSWER TO QUESTION 773

A total of 39 applicants have been allocated a flat, as follows:

	Medical A+	Medical B	Social A	Waiting List
1RKB	-	-	2	1
2RKB	3	-	1	5
3RKB	-	-	2	15
4RKB	-	1	3	5
5RKB	-	-	-	1
6RKB	-	-	-	-
TOTAL	3	1	8	27

1295 **Housing Waiting Lists
Number of applicants purchasing homes**

Clerk: Question 774, the Hon. E J Reyes.

1300 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants on the Government's Housing Waiting Lists have, since his answer given to Question 652/2012, been removed

from the waiting lists due to purchasing their own homes and, if any, indicating if they pertained to either the Social or Medical Waiting Lists category?

1305 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Hon. C A Bruzon: Mr Speaker, none.

1310

**Housing rental stocks
Criteria for contracting out repairs/refurbishments**

1315 **Clerk:** Question 775, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of his Ministry's criteria for the contracting out of repairs/refurbishments of housing rental stocks?

1320 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, as the refurbishment etc of flats are of a minor nature, contracts are being awarded on the lowest of a three quote system. Contractors used are all in the Government's approved lists.

1325 **Hon. E J Reyes:** I am grateful for that, Mr Speaker. My understanding is that obviously he is getting three quotes and then going to the lowest in respect of minor repairs. Does that mean that these are in respect of *all* repairs and refurbishments, or only those that the Housing Works Agency have not been able to meet within a certain timescale of tackling the job?

1330 **Hon. C A Bruzon:** This refers to jobs being done by the Housing Works Agency, or by small companies that are engaged to do internal repairs.

1335 **Hon. J J Netto:** If I may. What are the Department's criteria for triggering any particular work to be contracted out to these particular contractors in the approved list? Is it a question that when a report is reported to the reporting office, beyond a certain date when the work is not done that you may have a particular independent category of work perhaps, a set amount of time to allow for the Housing Works Agency to do it; but if it goes beyond that particular reference target date... What are the criteria for saying this would have gone initially to the Housing Works Agency, but now it is going to go to the contractor, in the contractors' approved list? What are the criteria? How does the Department go about determining...?

1345 **Hon. C A Bruzon:** Yes, I believe we have had this question before and I do not know if the answer was unsatisfactory and you want a more accurate answer. The reality is that when jobs are reported... I remember saying to the hon. Gentleman, Mr Speaker, that I have no system in place that says that the job has to be done within a three-month period. I answered him by saying that the situation is such and the urgency is often such, obviously for the tenant, that it is always important that the jobs have to be done as soon as humanly possible. That is the answer that I have to give you again, Mr Speaker... that I have to give the gentleman again, Mr Speaker.

1350 **Hon. J J Netto:** Mr Speaker, I can accept that there may not be any systems in place. I am not suggesting that he is trying to avoid the issue, but clearly someone has to have criteria for saying, 'Well, this particular report which has just been recorded in the Reporting Office is going to go straight to the Housing Works Agency to be done today' or no... Perhaps this particular job, because we know in the Reporting Office, it is something to do with doing a new pair of doors, when we have so many doors
1355 outstanding in the Housing Works Agency to be done, we know it is going to be taking a long time to do. So therefore, rather than take it into the Housing Works Agency, you might as well go straight to the contractor, or else the job is never going to be done.

1360 Someone somewhere has got to have some kind of criteria for determining when the report comes into the Reporting Office, where you send it towards the Housing Works Agency or you send it over to the contractors, and that is what I am trying to establish. We are not inventing the wheel here. Any local authority in the UK, I am sure, with council houses and flats, they have their own system in play and depending on the type of report they would say, 'Well, you know, it takes two weeks for this particular

job to be done by an in-house directly employed labour force or to the contractor.’ These things are well established perhaps in local authorities up and down in the UK.

1365

I accept that there may not be a system in place in Gibraltar, I accept that, but there have to be criteria for determining how long does the tenant wait for a job, depending on the nature of the report, because if something can wait for a while – fine. But there are certain things that cannot wait for a while.

1370

Perhaps if he has not got an answer... I shall leave it to rest there, but perhaps bring it back in a few months’ time to see to give an opportunity when he can have a discussion with his own technical officers, who undoubtedly will tell him that what I am saying exists in the local authorities in the UK, to be able to determine what criteria to use.

So I shall leave it there to rest and perhaps he may take it on board with his own staff to look into the matter.

1375

Hon. C A Bruzon: I will just thank him, Mr Speaker.

I will make an additional comment, of course, that almost goes without saying, that there are urgent cases, like a plumbing problem, which are tackled immediately – that is pretty clear. There are other problems, which I am sure that my technical staff will look at and use their discretion, their expertise, and say, ‘Well, look, let’s get on with this job because this one is more urgent than the other one.’

1380

I cannot offer you at the moment any other... I just leave it to the discretion of the technical people who know exactly what... hopefully, what they are doing and they have to...

We are also undergoing, Mr Speaker, a whole process of reformation and there will be major changes, which I hope sincerely will improve the service to the customer.

1385

Mr Speaker: The Hon. E J Reyes.

Hon. E J Reyes: I am grateful, Mr Speaker. The Hon. Minister for Housing has concluded by saying that there will be many major changes. Changes in respect of procedures? Changes in respect of staffing? Can he shed some light?

1390

Hon. C A Bruzon: Yes, indeed. It has been mentioned before in the past. We are embarking upon changes within the Technical Department of the City Hall and the Housing Works Agency to bring about a merger, which will happen when we are ready, and it will be announced, hopefully, very shortly.

1395

Bath-to-shower conversions Contractor; tender process

1400

Clerk: Question 776, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing state which company carried out the recently announced 44 bath to shower conversions at a total cost of around £300,000, averaging circa £6,800 each, as well as indicating if these jobs were allocated through a tender process or otherwise?

1405

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, all the bath-to-shower conversions have been executed by GJBS.

1410

Hon. E J Reyes: Mr Speaker, is the Minister satisfied that – obviously the amount charged for the job, which gives us an average of £6,800 per conversion – the amount of work required can justify that price?

1415

Hon. C A Bruzon: The question does not distinguish between a standard bath-to-shower conversion and works where the OT – Occupational Therapist – is involved, which obviously would be much more expensive and that is why we give the average. All invoices have not yet been received, but the final cost should still be at no more than the £300,000 mentioned.

1420

The explanation that may satisfy the hon. Gentleman is that the bath-to-shower conversions, the normal ones are cheaper than where the OT requires special works to be done within the bathroom. They will be obviously more expensive.

Hon. J J Netto: Could I put the question in a slightly different way perhaps? Given that we know that the average, depending on the particulars, is £6,800 in terms of the cost that the Housing Ministry is

1425 paying GJBS, does that amount of money coincide with the estimates of your staff, the technical staff in-house?

Well, you can put it another way. Whatever work gets done, the estimators just estimate what is the cost to be done, either by the Housing Works Agency or by a contractor. What I am saying is that, if this is what we are paying to GJBS, do those payments coincide with the estimates of your own staff in Housing? Does he know that?

Hon. C A Bruzon: No, Mr Speaker, I do not. Maybe if you give me notice of that question, but you are asking me...

Let me understand and make sure that I understand the hon. Gentleman. We have estimators who go and provide us with the cost of a particular job. You are asking me if the costs given to us by our estimators is more or less than GJBS, or the other way round?

Hon. J J Netto: It is the other way round, in the sense that when a job needs to be done, your in-house technical staff, the estimators, do an estimate and if they have to do a door, or so on – ‘To do this door here, it would last so many days and it would cost so many pounds.’

Regardless whether the job of the door is done by the Housing Works Agency or regardless whether it is done by GJBS or by any other contractor for that matter, at the end of the day, when the job is done and the contractor or the Housing Works Agency invoice the Housing Ministry for the work done, the estimator will see... ‘Well, if my estimate was £200 for the door, but GJBS is charging me £2,000 for the door, there is something wrong here somewhere.’

So, what I am basically asking the Hon. Minister is whether, given what seems at first hand excessive, in terms of the charges being given by all these conversions, do these prices coincide with his own in-house estimates by his own staff?

Hon. C A Bruzon: And as I indicated, I did not know the answer, but the question that I will have to ask my people is: is it just offered to GJBS, period, or do we have a system in place when, for certain jobs, certain bath-to-shower conversions, our technical people contract a private company to do it? I just do not know the answer to that, Mr Speaker, so he will have to maybe either ask me next month –

Hon. J J Netto: No, Mr Speaker, I am not trying in any way to confuse the issue. When something needs to be done by the Housing Ministry, regardless of whether the Housing Works Agency or a contractor, regardless of the contractor, you do not knock on the door of someone saying, ‘Look, I need this to be done and just give me a price.’ The in-house technical staff would know beforehand, before going to the contractor of the Housing Works Agency, what the cost of doing such a thing would be.

When the work gets done by whoever it gets done by, the estimator would have to reconcile to say, ‘Well, if my estimate was £200 to do *x*, why have I received an invoice for £2,000?’ All I am saying is, from the point of view just of accountability and value for money really, are we matching up the payments we are making to contractors or to the Housing Works Agency against our own estimates? That is all I am asking.

Mr Speaker: I think the Hon. Minister did answer that previously, but the hon. Member preferred to put it the other way round, but I think it was answered before the last one.

Hon. J J Netto: Which is?

Hon. C A Bruzon: Yes, as I explained earlier, I think the question that I am now asking myself, for the benefit of the hon. Gentleman, is is the system in place that we just simply give GJBS *all* bath-to-shower conversions, or not? This is something that I do not have an answer for, so if you want to either ask me next month or write to me, I will certainly have no problems in furnishing you with the information when I have an answer. I will be happy to do that.

Hon. J J Netto: I will, Mr Speaker.

1480

**Construction of additional homes
Government intentions
Question withdrawn**

1485 **Clerk:** Question 777, the Hon. E J Reyes.

1490 **Hon. E J Reyes:** Yes, Mr Speaker. I think Question 777, in many ways, needs to be withdrawn because I had given notice of this Question before any announcements were made, and so I think most of the hon. Members on the Government benches at least are aware that Mr Speaker and I did represent this esteemed House in the Commonwealth Parliamentary Conference in Sri Lanka, where we passed on Gibraltar's regards to all concerned. Therefore, Mr Speaker, I am sorry to have wasted your time by having filed this Question.

1495 However, may I indulge a bit of generosity on the Housing Minister's time by saying, from what I have read it seems that Government have passed on these proposed projects to the DPC for guidance, and so on, and they have got some advice back, which has made them then cancel the project. I am a bit confused, and I know the Hon. Minister can enlighten me that way – when did the Development Planning Commission actually consider this project?

1500 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Would it not be better if he asks the Question, Mr Speaker?

Mr Speaker: Yes, perhaps.

1505 **Hon. C A Bruzon:** Do we know what Question he is talking about?

Hon. E J Reyes: Okay, I am talking about –

Mr Speaker: Question 777.

1510 **Hon. C A Bruzon:** I know the one he is talking about, but for the benefit of –

1515 **Hon. E J Reyes:** Alright, yes, Question 777, as announced by the Clerk, in which I was going to ask the Minister to confirm that Government still intends, despite the representations indicating opposition to such projects by the relevant housing estates tenants, to proceed with the construction of additional homes by means of building floors at: (a) Moorish Castle; (b) Laguna; and (c) Glacis Estates? That is what I was referring to. I then clarified by saying I think all that has been answered. We now know it is not.

As a way of supplementary, if the Hon. Minister does know, when was this presented to DPC?

1520 **Hon. C A Bruzon:** It was presented to the Development and Planning Commission... I forget the exact date.

1525 **Chief Minister (Hon. F R Picardo):** Can I just clarify one point? That is a matter of public record. The DPC is public; it is online. All that information is a matter of public record. I know that the hon. Gentleman, wanting to be helpful, is going to provide the answer, but the DPC is now a public forum. (**A Member:** Hear, hear.) The time when things are submitted to the DPC is actually put on the website, so this is a totally public piece of information.

Mr Speaker: That is a valid answer; it is a matter of public record.

1530 **Hon. E J Reyes:** Alright, Mr Speaker, the reason why I ask that is because, from the Development and Planning Commission's meeting agenda on Wednesday, one of the items listed there was actually this project, and prior to that having taken place on Wednesday, there had already been an announcement from Government that they were not going to continue with this.

1535 Alright, Mr Speaker, I think that has been clarified, and when I look up at what is on public record, if I have any problems, I can always come back next month.

1540 **Construction of rental housing
Government intentions**

Clerk: Question 778, the Hon. E J Reyes.

1545 **Hon. E J Reyes:** Further to their announced plans to build additional floors at three existing rental housing estates, can the Minister for Housing commit himself and state what other rental housing Government intends to construct, indicating estimated commencement of construction and completion dates?

1550 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the Government expects to have made announcements on this before the end of the year, and we have, in fact, already made an announcement of the drawings and planning for 450 eco houses for 50:50 purchase going to the Development and Planning Committee – that took place a few days ago – and also 70 flats for our senior citizens. That is also being considered by the Development and Planning Commission.

1555 **Hon. E J Reyes:** I am grateful for that, Mr Speaker, but in my Question I was saying what other rental housing is going to be constructed. I had taken note of previously announced projects that go for 50:50 purchase.

1560 **Hon. C A Bruzon:** The hon. Member is absolutely right, but I can also repeat the answer which will refer to rental housing, and that is that we expect to make an announcement on our plans to construct Government rental homes. The announcement will be made hopefully before the end of the year.

1565 **Hon. S M Figueras:** Mr Speaker, just by way of clarification, my recollection... the announcement in respect of the eco housing – we are referring to the ones in the Aerial Farm, is that correct? Yes. The announcement did not – (*Interjection*) Yes, it is public, yes I know. I am referring to a press release because that was public and I saw it.

1570 **Chief Minister (Hon. F R Picardo):** It is not just that though; there have been others as well.

Hon. S M Figueras: Yes, indeed, but the eco housing at the Aerial Farm is, I believe, what we are talking about here. That press release did not actually make reference to the fact of whether it was going to be for co-ownership or for rental, from what I can recall, so I take it that the decision to make it for co-ownership is something that has followed the issue of the press release?

1575 **Hon. Chief Minister:** No, Mr Speaker. The fact is that the press release talks about the project; it does not talk about the details of the project. That is what has been put into the public domain until now. It may be that there are different mixes available to the Government. The Government may decide that some of that may be available for rental, some of it may be for 50:50 purchase and some of it may be for 100% purchase.

1580 When the Government decides exactly what the composition will be – and it is very likely to be 50:50 – then there will be a press release that deals with that, but at the moment it has just gone for guidance to the DPC about heights and densities and the things which it goes to the DPC for.

1585 **Hon. S M Figueras:** I am grateful for the clarification. I only ask because it was spoken of very matter-of-factly a moment ago between the Minister and my hon. Friend that it was indeed for co-ownership, so it appears, it struck me, that there was some resolution in that respect. But I am grateful for the clarification in any event.

1590

Co-ownership housing estates Meetings with Government

1595

Clerk: Question 779, the Hon. E J Reyes.

Hon. E J Reyes: Can Government state if it has held meetings with any management companies/committees of co-ownership housing estates in order to address any new or ongoing concerns and, if so, provide details of the concerns raised and respective final outcomes?

1600

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1605 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, as I have replied on various occasions when the hon. Member has asked a similar Question, no management company or committee have approached my office requesting a meeting.

I know, however, that a number of management companies and committees are in contact with the Chief Minister.

1610 **Hon. E J Reyes:** Therefore, because my Question this time, as opposed to previous occasions when I was asking just the Minister for Housing, I am asking, has Government held any meetings? Is there any Member on the Government side that can answer anything in that respect of my Question?

1615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, as the hon. Gentleman has indicated, I have held meetings.

Hon. J J Netto: Could I ask with whom, Mr Speaker?

1620 **Hon. Chief Minister:** With management companies and committees of co-ownership estates.

Hon. J J Netto: Which ones in particular?

1625 **Hon. Chief Minister:** A number of them, Mr Speaker. I do not know whether it is appropriate to list the ones that have come already and those that have not, but I have no difficulty saying that I have met with the management committees of Vineyards and of – *(Interjection)* Sorry? Of which? *(Interjection)* The management of Vineyards; the management committee of Brympton; I have had representations from the management committee of Elliot’s Battery; I am meeting, subject to diary arrangement, the committee of Montagu Gardens; I have met the committee of Sir William Jackson Grove.

1630 Mr Speaker, what I am not going to do is tell the hon. Members who was present, who I met, what I discussed with them; otherwise, I might as well just put a webcam in the meetings, Mr Speaker!

Hon. J J Netto: Certainly not, he can rest assured that we will not do that, but is there one meeting scheduled for the Harbour Views management committee?

1635 **Hon. Chief Minister:** Actually, thank you for reminding me. I have met them too.

Clerk: Question –

1640 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: My Question did end up saying, ‘if so, provide details of the concerns raised and respective final outcomes’. Is that something that the Chief Minister feels it is not appropriate to talk about?

1645 **Hon. Chief Minister:** I am not going to give that information, for a simple reason. The hon. Members are free to approach the management companies of the estates in Gibraltar and ask them what issues concern them and what issues they have brought to the attention of the Government, but I do not think it is appropriate for me to give that information in the House.

1650 If there is a resolution of something and the Government commits itself to do something in respect of a particular management company, then if the hon. Member asks me about what we have committed ourselves to do, we will of course be obliged to answer that question because it is a thing that we, as Ministers, are doing.

1655 In fact, I have also met the committee of Bayview, Cumberland Terraces and Nelson’s View, I have just remembered.

So I do not think it is appropriate to say, ‘What concerns have they raised with you?’ These are public individuals. You can go and ask them yourselves, the same as would be the case in respect of other interest groups, where the Opposition would be in dialogue with them as much as the Government.

1660 The Government – this Government – does not take the attitude that people who talk to the Government cannot talk to the Opposition. People can continue in dialogue with the Government and can talk to the Opposition, if they like. The position before 8th December, as the hon. Gentleman will know, was that people were told that if they wanted to continue to be in dialogue with the Government, they could not talk to the Opposition. That also ended with the new dawn of 9th December.

1665

**Housing Works Agency
Recruitment**

1670 **Clerk:** Question 780, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing explain why no new employees have been engaged by the Housing Works Agency in order to replace former employees who have retired/transferred, in keeping with the agreement between Government and Unite the Union?

1675 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

1680 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, staffing levels related to the Housing Works Agency are currently the subject of a comprehensive review of the Agency and the Ministry for Housing.

**Old St Bernard's hospital site
Elderly people's home**

1685 **Clerk:** Question 781, the Hon. J J Netto.

1690 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state why the new elderly people's home at the old St Bernard's Hospital site has not yet been opened, despite having said in Parliament that works would be complete in April of this year?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

1695 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, Government was advised by GJBS that works would be complete in April this year and it is not uncommon for construction works to suffer some delays. In this case, the issues arising also relate to the need for changes to be made to certain parts of the site to make it accessible to elderly people with mobility issues.

1700 **Hon. J J Netto:** I presume, Mr Speaker, that those changes may have happened or occurred as a result of the new party coming into Government and altering the original plans – because the initial plans, when we were in Government, meant that the project *was* finished on 1st April. So my question is those new changes have arisen once the new party has been in Government – is that the case?

1705 **Hon. C A Bruzon:** I am not sure that I understand the question, but let me explain that technical completion is one thing. When technical completion happens, then a number of things also have to happen.

1710 My hon. Colleague, Samantha Sacramento and I have had site visits with our staff, we have visited the premises on more than one occasion and we have realised that certain adjustments have to be made, particularly to the ground floor, to make the apartments user-friendly for people with mobility disability. That may account – that *does* account, in fact – for the fact that we have not yet allocated any of these flats, but we are now in the process of identifying people whom we feel may wish to move from a larger Government flat into these rather beautiful 2RKBs.

1715 **Hon. J J Netto:** Does the Minister know by when will the building be finished and allocated?

Hon. C A Bruzon: We are precisely now currently involved in considering people for an allocation of these flats. It will be happening very, very soon.

1720 **Chief Minister (Hon. F R Picardo):** With this caveat, Mr Speaker: that there may have to be works done to general areas and therefore the allocations may have to wait. This is a really unfortunate turn of events that I am very disappointed in, which is that the plans that have been drawn up and on which a large amount of public money has been spent, render the place inaccessible for people with wheelchairs, and the expert advice that we have – because we do not tend to know about the space required for turning for wheelchairs etc – is that –

1725 **Miss S J Sacramento (Minister for Equality and Social Services):** And zimmer frames.

1730 **Hon. Chief Minister:** – and zimmer frames, not just wheelchairs – is that access areas for the building may also require work, in order that people with wheelchairs and zimmer frames etc can access the building. That may delay even the allocations in respect of people who do not have mobility problems, because the general areas may also require work.

To have spent public money, Mr Speaker, on such a project without taking these things into consideration is something that I think the hon. Members opposite should really have considered more carefully at the time.

1735

Hon. J J Netto: Mr Speaker, the Opposition does not agree with the Chief Minister, because the changes for the wheelchairs that he is referring to are perhaps because the specification that was originally intended has changed. In other words, when the GSD Government gave the specification to the contractors to provide that facility, it was meant as a facility for independent elderly people with no mobility problems. Therefore the construction was made on those specifications.

1740

The new Government is perfectly entitled to change the specification that the previous Government did – that is no problem – but the reality of the situation is that the work ended in December, the snagging had been taking place from December to April. The situation is that both the Minister for Social Services – so she does not get offended – and the Minister for Housing (*Interjection by Hon. Miss S J Sacramento*) have been at loggerheads because the Minister for Housing wanted the building to be finished to be able to allocate to elderly people who are independent living with no mobility problems, but the lady, the Minister for Social Services, has – rightly or wrongly; it is not for me to determine that – wished to change the specifications that were originally made by us.

1745

That is a different matter, they can do it, but what they cannot say is that the taxpayer has had to put a lot of money to put it right. It has not happened. The reality is that the works were done to what was intended, (*Interjections*) and what I am asking is whether the specifications, meaning that the building is now intended not only for independent elderly people, it may also be intended for people with mobility problems, which is a different thing, and that is my question.

1750

Hon. Chief Minister: Mr Speaker, the position is very clear. First of all, the hon. Gentleman is living in cloud-cuckoo-land and believing every rumour that he wishes to believe, if he believes that there are Ministers on this side of the House who are at loggerheads. I hear these rumours all the time and they are absolute and complete poppycock.

1755

This is a Government that *works together*. (**A Member:** Hear, hear.) This is a Government that meets every Monday at nine o'clock in the morning and makes decisions by consensus, and therefore there is nobody at loggerheads with anybody else here.

1760

Mr Speaker, this is not a question of changing specifications; this is a question of the *wrong* specifications having been given for the works to be done in the first place. (*Interjections and banging on desks*) Or is it that he does not know, Mr Speaker, that the doors fitted to this new development are not doors of the size required for people with mobility problems? They are not even standard-size doors for people with no mobility problems. They are *smaller* than standard-size doors, and therefore of course he is right that there has had to be a change of specification, because we have had to give the *right* specification!

1765

Or does he not know, Mr Speaker – or is he trying to forget – that when you develop housing for the elderly, the elderly may be mobile one day and less or immobile the next? There are many elderly people with mobility problems who will need to be rehoused very shortly and this part of the housing stock is going to be used for that purpose with the necessary modification, and some of the elderly people who are mobile today and are moved up there may not be mobile at all within months or years, unfortunately.

1770

Anyone who was prudently developing a facility like this one would have ensured that, from the word go, they would have made the necessary specifications, such that either people with mobility problems or people who are today enjoying independent living but tomorrow may have mobility problems might be able to avail themselves of the service of this development.

1775

That is the reality of the situation, Mr Speaker. He may not like it, and I know that it hurts, but he has to accept it. (*Banging on desks*)

1780

Hon. D A Feetham: Mr Speaker, I do not know about rumours. We hear a lot of rumours. We hear a lot of rumours of Ministers threatening to resign on the Government side, (**Hon. Chief Minister:** You wish!) (*Laughter*) if the Chief Minister does what his instincts tell him to do on the fishing dispute, which is enter into a reasonable agreement with the fishermen. (*Interjections*) There are rumours...

1785

Mr Speaker: Order! Order! Order!

Hon. Chief Minister: Mr Speaker, Point of Order.

1790

Mr Speaker: Point of order, yes.

Hon. Chief Minister: Mr Speaker, who is the hon. Gentleman to speak of what *my* instincts tell me to do? He can talk about what *his* instincts might tell him that *my* instincts might tell me to do, but he cannot talk about my instincts, because he has always got those wrong.

1795

Mr Speaker: Before the hon. Member continues, before he continues, I was about to remind him that under the Standing Orders, and certainly under the guidance of *Erskine May*, a Member asking a question must make himself responsible for the accuracy of the facts, so I would advise Members to steer away from rumours.

1800

Do carry on, please.

Hon. D A Feetham: Yes, of course, I apologise, Mr Speaker, –

1805

Mr Speaker: No, I was just guiding.

Hon. D A Feetham: – and I will not go into the rumour of resignations or of slanging matches at No 6 Convent Place between the Hon. the Chief Minister and the Minister for Employment.

1810

Mr Speaker: I think the Hon. Member is compounding it by repeating all that.

Hon. Chief Minister: Mr Speaker, he has raised something I am going to deal with.

Mr Speaker: Order! Order!

1815

Hon. Chief Minister: He has raised something I am going to deal with. He has, as usual, wanted to pretend not to say something but say it, so I am going to deal with exactly what he has said. I am going to put on record, because he has now elevated a stupid rumour to a stupid remark in the House, and I am going to deal with this in this way. (*Interjections*)

1820

Mr Speaker: Order! Order! Order!

1825

Hon. Chief Minister: I am going to deal with this in this way. He can talk and he has my freedom to talk to every single person in the corridor of power at No 6 Convent Place in Gibraltar. *Everyone* will tell him that that ridiculous rumour that he has elevated to a ridiculous remark across the floor of the House is not just wrong, it is manifestly untrue; that actually what is happening, which is so difficult for people to bear, is that the people on this side of the House are getting on perfectly, that we are working collectively in the interests of Gibraltar, and that in particular the relationship that I enjoy with the Minister for Employment is among the best that I enjoy with all the people who sit on this side of the House.

1830

They will also tell him that the slanging matches, the banging of doors, the shouting –

Hon. D A Feetham: Mr Speaker –

1835

Mr Speaker: Order!

Hon. Chief Minister: – they recall happened when he used to go in to see Mr Caruana, when Mr Netto used to go in to see Mr Caruana, and when Mr Montiel used to go in to see Mr Caruana, all of which I consider to be to their eternal credit because, of the others, I hear that there was only squeaking like mice, and that today, thank goodness, those days are *over*.

1840

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: May I now ask my questions?

1845

Mr Speaker: But not rumours, please.

Hon. D A Feetham: No, no rumours. I would not want to compound –

1850

Mr Speaker: Say no more.

Hon. D A Feetham: – the... yes... (*Laughter*) the Hon. the Chief Minister's state of emotion this afternoon.

1855 **Hon. Chief Minister:** I get very emotional when I am [*inaudible*] with my friends.

1860 **Hon. D A Feetham:** Absolutely. But does the Chief Minister not accept that there is a distinction, and I think that the hon. the shadow Minister for Social Services, Mr Netto, has been very clear and very fair in the way that he has, in his exposition of that distinction, that there is a distinction between elderly who are people who can live independently and therefore may require a facility that is obviously commensurate with that level of independent living, and elderly who cannot live independently because they may have mobility issues and that, as a matter of policy, this particular facility was not intended to cater for the latter, was intended to cater for the former.

1865 Does he accept that distinction? Because we certainly accept that the Government today is entitled – perfectly entitled – to change its policy and to say, ‘No, this is a facility that we would wish to cater for both independent living and mobility.’ We think there is a difficulty there, but look, you are perfectly entitled to take a different approach.

1870 And does the Chief Minister not accept that that does not mean – that it *does not* mean...? I think it demeans politics, if we then reduce everything to the level (*Interjection*) of ‘We are now in Government, this is all rubbish that you have done, it is all wrong and we are going to change it because it is all rubbish and it is all wrong.’ You may have a different policy. It does not mean that what we did was all rubbish and all wrong. (*Interjections*)

1875 **Hon. Chief Minister:** Mr Speaker, it demeans politics that people just want to get up and hear their own voices.

Hon. D A Feetham: Just like you.

1880 **Hon. Chief Minister:** It demeans politics, Mr Speaker, that people want to pretend that their opponents have said one thing, when actually they should be defending a different position, which is what has been put to them.

1885 Mr Speaker, it demeans politics for the hon. Gentleman to say that this facility they were developing up there *only* for people who had no mobility problems but who were elderly, because people listening to this debate are not stupid. Politicians demean politics when they say things that could only be believed by the stupid, and there are no members of this electorate that I know of who are stupid.

1885 Mr Speaker, if you develop a facility for the elderly who are today mobile, what do you do with that elderly person when they become less mobile or immobile?

Hon. J J Netto: I will answer that later.

1890 **Hon. Chief Minister:** It is very simple, Mr Speaker: you have to move them from the facility, or else the facility will become a useless prison for them, and in particular, given the location of this facility in the upper town, it would be even worse to have people who might develop mobility problems – and unfortunately the elderly often do – *very* often do... to have planned this facility without the simple measures necessary to also make it suitable for people who may be less mobile, either when they move in or in the future.

1895 Mr Speaker, the hon. Gentleman has to understand that he has to make such statements not in the vacuum and not in the reality that he wants people to believe that 8th December was, but in the *real* reality of 8th December, because, Mr Speaker, he knows what that was, I know what it was, and the members of the general public who are listening know what it was.

1900 That reality, Mr Speaker, was 1,500 people on the housing waiting list. That reality was, Mr Speaker, a lot of people who are elderly with mobility problems, either stuck in the hospital because their existing homes were not suitable for them or stuck in their homes because they could not get out of them because of their mobility problems.

1905 In those circumstances, Mr Speaker, to have planned this facility without the capacity of it taking people who have or may develop mobility problems is what we think was wrong and the hon. Gentleman makes a virtue of giving us the rights that we have. He said, ‘I accept, of course, that you are entitled to change the policy...’ *Of course* we are entitled to change the policy! We are the Government! We are entitled to take such policy as we believe, but we do not take that policy – saying, as I explained to his erstwhile leader at the beginning of Question Time this week – pretending that the world started on 9th December.

1910 I said when I accepted our election victory in the Mackintosh Hall, and I have said since, that the hon. Members did not do ‘nothing’ for 16 years, but that is what they want me to say because then they attack me by saying, ‘Well, you cannot say that. Your talking is not true. You are saying that everything we have done is rubbish and that is just not true.’ *I am not saying that*, Mr Speaker.

1915 What I am talking about are the things they *did not do*. The things they did which were wrong! They know they were wrong and they demonstrate that they know they were wrong by getting up to say, ‘You see, it is so unfair when you say that we did nothing and that everything we did was wrong...’ Of course, because that sounds so unreasonable. But that is not what we are saying. We are saying that *this* was wrong and on other occasions we say the *other things* that were wrong and this *was* wrong, Mr Speaker, for the reasons that I have already explained.

1920 Mr Speaker, we are convinced that the facility up at St Bernard’s needs the work that the Hon. the Minister for Social Services has already outlined and that the Hon. the Minister for Housing is aware of. There are some people who may be able to move in more quickly with that caveat that I have given about having to change certain rooms and having to change certain access areas, but it is going to be delayed, and it is delayed because of those failures.

1925 Mr Speaker, they may like it or they may not, but that is the reality of the situation and that is the view that this Government takes.

1930 **Hon. D A Feetham:** I have to say, Mr Speaker, that for somebody who says that I like the sound of my own voice, I should remind the Hon. the Chief Minister that he has taken 10 minutes with his response – 10 minutes giving us a political speech. (*Interjection*)

1935 He likes so much the sound of his own voice, that he did not actually hear Members of his own benches actually reiterate the point that I was making that this project, what we had done, it was all rubbish and all wrong. Those were the cries from the Opposition benches... sorry, from the Government benches (*Interjections*) from his own Ministers when I was making the point.

1940 Does the Chief Minister not accept that actually this particular site is not a good site for elderly who have mobility problems? It is in a very difficult part of town; hence, one of the reasons why we had allocated this particular facility for elderly people who were capable of independent living. Is he satisfied that this is an appropriate facility for elderly people who have mobility problems, up there in the upper town as it is located?

1945 **Hon. Chief Minister:** Mr Speaker, I know that the man has only been gone 24 hours, but to say that somebody is fond of the sound of their own voice because they take 10 minutes to answer a question – I doubt it was 10 minutes – is really to call into question what it is that the Hon. the Leader of the Opposition, when he was Chief Minister, was fond of, when he used to sometimes take 45 minutes to answer a question, or six hours to reply to a Budget speech!

1950 Anyway, Mr Speaker, given that there are so many people dancing on the hon. Member’s, the Leader of the Opposition’s grave, I will allow the Hon. Mr Feetham that further tango on it.

1955 Mr Speaker, what Members of the Government – we are not of the Opposition, remember – Government – were doing was reiterating the very point that I have made in colourful language – adopting his word of ‘rubbish’ – about this project. What he was talking about – and I know that they rather *Hansard* did not exist, but it does and it will be there for people who go back and look at this debate to see what he was talking about – was us saying that *everything* they had done was rubbish. This particular project, Mr Speaker, in that particular respect in our view is rubbish.

Hon. J J Netto: Answer the question.

Hon. Chief Minister: It is rubbish –

1960 **A Member:** Answer the question.

1965 **Hon. Chief Minister:** – as a facility for people who have mobility issues because all of the criteria which have to be taken into consideration for accessibility by people who have mobility problems for this particular facility are not met inside the facility.

1970 Am I satisfied that being up there in the upper town, this facility can be used by people with mobility difficulties? Yes, I am. Is that me just making up my mind about it? No. Experts tell us that it is possible for people with accessibility issues to use that facility. Different steps are being taken to make it easier for them to access the area and people with mobility issues are asking us, please, to make it available to them once adapted. There may be some who do not want to go up there and they will not be made to go up there, and those who do want to go up there will be able to go up there.

Mr Speaker, they may not like the answer because it flies in the face of what they want to hear, but that is the truth. That is what is happening and that is why these works are going... or rather, why this project is going to have to be delayed and require more money to be spent on it.

1975 **Hon. J J Netto:** Mr Speaker, it not a question that we do not like the answer, it just that –

- Mr Speaker:** Is it a question?
- 1980 **Hon. J J Netto:** It will come –
- Mr Speaker:** Soon I hope.
- Hon. Chief Minister:** It has got to be a question.
- 1985 **Mr Speaker:** It has to be a question.
- Hon. J J Netto:** Well, Mr Speaker, you know at least I will be allowed the latitude of an introduction
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- 1990 **Mr Speaker:** A brief introduction. Yes.
- Hon. J J Netto:** – to preface my question.
- 1995 **Mr Speaker:** *Erskine May* tells me it must be a *brief* preamble.
- Hon. D A Feetham:** Not 10 minutes.
- Mr Speaker:** No, that is not a preamble, that is an answer. (*Interjections and laughter*)
- 2000 **Hon. J J Netto:** I promise you that it will be a quarter of the time of the Chief Minister.
- Mr Speaker:** Okay.
- 2005 **Hon. J J Netto:** Mr Speaker, it is not a question that we do not like the answer; it just that the analysis that they have done is wrong. It is wrong because he knows that the location up there is not suitable for people with mobility problems and we took that decision on the basis that we created sufficient stock for other elderly people with different needs, by providing Bishop Canilla, Albert Risso House, ground floor flats in Government housing estates, lift installations throughout all Government estates, making Mount Alvernia full of capacity, which it was not before we came into Government, and this is one of the reasons why we did it.
- 2010 The reality is that... or the question is that they have changed the specification and we would like to know whether they have changed the specification and are now coming with the excuses on the basis of saying, ‘We need to change it because of mobility problems.’
- 2015 The original specifications were carried out. They were completed in December. The snagging took between December and April and now they have changed the specification. They are entitled to do it. They are the Government to do it, but they should not be shy from saying that they have done it.
- So could I get an answer saying, have they changed the specification from what was originally met?
- 2020 **Mr Speaker:** I think that has been answered, but if the Chief Minister wants to –
- Hon. Chief Minister:** I have answered that question so many times that I am afraid –
- Mr Speaker:** – answer it... It has been answered and changed –
- 2025 **Hon. Chief Minister:** – that I do not want bore listeners into listening to it again.
- Mr Speaker:** – and for reasons that I understand, both sides have a different approach to what the facility was for, really. I do not think we can take this debate much further.
- 2030 Next question.
- 2035

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

2040

**Street cleaning campaign
Removal of illegally parked cars**

Clerk: Question 782, the Hon. D J Bossino.

2045

Hon. D J Bossino: The Minister is now back.

Mr Speaker, I have got three questions on traffic related matters and I hope they will not descend into the performance that we have just witnessed. (*Interjections*) The Chief Minister is in an awful mood this afternoon, I must say. He is not here, okay? Good.

2050

Mr Speaker, can the Minister for Traffic, Health & Safety and Technical Services, provide the House with the full particulars of how it proposes to ensure that illegally parked cars will be removed in the context of its street cleaning campaign?

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

2055

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the street cleaning campaign is aimed at improving the cleanliness of various areas and the removal of vehicles on a regular basis is an essential element for its success. This will allow the cleaning operations to be carried out effectively.

2060

The process has started with the distribution of flyers in the areas forming part of the campaign. Following this, fixed penalty tickets will be introduced. The RGP will endeavour, by way of education and interaction with the community, to request that residents remove their own vehicles in a timely manner. However, should there be a need, offending vehicles will be towed away in the future.

2065

Hon. D J Bossino: In the context of ensuring that illegally parked cars are removed in the context of the street cleaning campaign, a reference was made in the Government's press statement as reported in the press – I have got an article here from the *Gibraltar Chronicle* – and the answer given by the Minister I think reads pretty much from that press statement.

2070

There are two items in particular which I would highlight in the context of my supplementary and that relates to, for example, information flyers and the fact that there will be manpower deployed in the form of RGP Officers and Highway Enforcement Officers. In that context, will the campaign result in further costs to the Government?

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Hon. P J Balban: Mr Speaker, I am not aware whether there will be any further costs with regard to what the hon. Member is asking.

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Hon. D J Bossino: Presumably, the answer really is that the Minister does not know, but there could be a cost. Is that a more accurate way of putting it?

I do not presume for one moment to be answering the question for the Minister, but I just propose that as an answer – given that I have been admonished by the Chief Minister in the first sitting of the House for proposing answers to Ministers – proposing as an answer, just by way of clarification.

2085

Hon. P J Balban: Mr Speaker, I do not anticipate any further costs. As I said, the information flyers have already been printed and been distributed; but again, as far as I am aware, there should not be any costs, but if there were, obviously I will let the hon. Member know.

Hon. D J Bossino: This question may an unfair question, but does he know how many information flyers are involved at all?

2090

Hon. P J Balban: No, it is right to say that this could be unfair. No, I do not know.

Hon. D J Bossino: Then I will ask the question at the next sitting.

2095

**New pelican crossing, Europa Road
Electrical equipment; date available for use**

Clerk: Question 783, the Hon. D J Bossino.

2100 **Hon. D J Bossino:** Further to Question 433/2012, can the Minister for Traffic, Health & Safety and Technical Services advise this House whether the electrical equipment for the placing of the new pelican crossing at Europa Road in the area of Brympton/Mount Road has arrived and when he expects that the crossing will be available?

2105 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I am glad to report that the pelican crossing will shortly be installed at Europa Road in the area of Brympton/Mount Road.

2110 **Hon. D J Bossino:** By implication, the answer suggests that the equipment is available and ready for installation. Is that correct?

2115 **Hon. P J Balban:** That is right. As it implies in the question, the equipment is available and will be installed shortly.

Hon. D J Bossino: That, Mr Speaker, will be very welcome news for residents in that area, particularly in Brympton.

2120 The Minister refers to 'shortly'. We have also had this debate in the context of questions and answers in this House, I think in relation to the word 'soon', where the Chief Minister has referred us to the Oxford English Dictionary thereof. Is the Minister able at this stage to give me a more precise indication as to the timings?

In other words, where I do not necessarily have to raise this question at the next sitting of the House at the end of October?

2125 **Hon. P J Balban:** This is actually sooner than... (*Laughter*) sooner than when –

Hon. D J Bossino: Sooner than 'soon'.

2130 **Hon. P J Balban:** Yes, sooner than 'soon', when obviously the GSD was in Government!

King's Wharf site Car park

2135 **Clerk:** Question 784, the Hon. D J Bossino.

2140 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise this House what the costs of the setting up of the car park opposite the fair was and what arrangements were arrived at with the owners of the site where the parking was provided?

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

2145 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the development of the car park at the King's Wharf site is part of an agreement with the developers of the site, at no cost to Her Majesty's Government of Gibraltar, to make the site available for use as a temporary public car park for a period of two to three years.

2150 In exchange, Her Majesty's Government of Gibraltar will agree an extension to the current lease the developer has for the site. Government has not yet finalised the actual terms of the agreement with the developers or received a final statement of the cost of producing the car park.

It is anticipated that the said arrangements should be finalised and the costs should be available in the next 30 to 60 days.

2155 **Hon. D J Bossino:** Mr Speaker, just by way of supplementary, the cost of the car park is a cost on the Government, is that correct? It is not a cost to be visited upon the developer – is that correct?

Chief Minister (Hon. F R Picardo): That continues to be a subject of discussion.

2160 **Hon. D J Bossino:** So just to understand the situation: the car park was provided now, because it is there in place, the whole area has been tarmacked and it is in use, and what is expected is that there will be an extension of the lease provided to the developer who currently owns the site. Is that correct?

Hon. Chief Minister: That is exactly what the answer given says.

2165

**Factories inspectors
Employment details**

2170

Clerk: Question 785, the Hon. J J Netto.

2175 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety give details of the total number of factories inspectors employed, the number of Health and Safety advisors or officers employed in various Government Departments, authorities and agencies, stating their grades, where they are employed, Health and Safety qualifications and whether any of them are currently undergoing any training or courses leading to a Health and Safety qualification?

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

2180

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the present complement of the Factories Inspectorate consists of four factories inspectors – that is one principal and three Health and Safety inspectors. At present, there are no officers undergoing training.

A list of grades and qualifications, as requested by the hon. Member, is contained in the schedule, which I now hand over to him.

2185

Answer to Questions 785

Department	Grade	Nos.	Qualifications
TSD	HPTO	1	NEBOSH Certificate (in Construction) NEBOSH DIP Parts 1 & 2 Occupational Health & Safety
Housing Works Agency	PTO	1	NEBOSH Certificate Occupationa Health & Safety
Environmental Agency	SEHO	1	CIEH Approved
Factories Inspectorate	Factories Inspector	2	International Diploma in Risk & Safety Management
		1	Masters Degree in Health and Safety
		1	Post Graduate Certificate
CFB	Firefighter	1	MSC Occupational Health & Safety Management CMIOSH AIEMA
Customs	AO	1	NEBOSH (Health & Safety Practitioner) NEBOSH (Occupational Health & Safety)
Sports Authority	Deputy CEO	1	Certificate (Health & Safety in the Workplace)

2190 **Hon. J J Netto:** Mr Speaker, can I start by asking a supplementary question? Obviously, the difference between the different chart that he gave me some time back, in Question 181... because we have gone up by two. I think that the previous one was eight; now we have got 10, if we include the two extra factories inspectors. Is that correct?

2195 **Hon. P J Balban:** Yes, as explained to the hon. Member last time, because of the secondment of the two individuals from the Housing Works Agency, they have joined the Factories Inspectorate – that is why there are an extra two in that respect.

Hon. J J Netto: For the sake of clarity, Mr Speaker, I do recall, when I asked this question subsequently to Question 181, in relation that there were two people seconded to the Factories Inspectorate, I do recall – although I have not got *Hansard* with me right now – that the Hon. the Minister

2200 for Health & Safety did say that they would not form part, necessarily, of the Factories Inspectorate, only
if the vacancies went out and they applied for a job. So do I take it that those two new extra posts now, as
factories inspectors, have emanated as a result of vacancies and those two people who were seconded
applied, or have they simply been absorbed without the process of the vacancy coming out in the first
place?

2205

Hon. P J Balban: No, as I said earlier, they are still part of the Housing Works Agency. They were
seconded to the Department. (*Interjection by Hon. J J Netto*) No vacancy is available there for them; they
are just working, helping the Factories Inspectorate at the moment.

2210

Hon. J J Netto: So the situation remains the same, then – they are still seconded? That is the case, is
it?

Hon. P J Balban: That is correct.

2215

Clerk: Question –

Hon. J J Netto: Mr Speaker, can I –

2220

Mr Speaker: Yes, the Hon. Jaime Netto.

Hon. J J Netto: Thank you – you have got to be quick in here!

Mr Speaker: Yes!

2225

Hon. J J Netto: Mr Speaker, can I also ask if the Hon. the Minister for Health and Safety could at
least tell me what are the typical work activities of the Health and Safety advisers and officers, obviously
within the respective Departments, authorities and agencies that they are doing... In other words, what
are the ins and outs of everyday work that they are doing in order to support those Government authorities
and agencies as Health and Safety advisers or officers?

2230

Hon. P J Balban: Are you referring to the two seconded members of staff?

2235

Hon. J J Netto: No, for the sake of clarity, Mr Speaker, if we forget for one minute the... Let's say
the four factories inspectors, of whom two are seconded – let's forget about them. The rest, which he has
kindly provided to me, who are Health and Safety advisers or officers, like the one, for instance... You
have one in the Technical Services Department, you have one in the Housing Works Agency, one in the
Environmental Agency, there is one in the City Fire Brigade, there is one in Customs and there is one in
the Sports Authority. What I am trying to get a feel for, if the Hon. the Minister can provide, is what are
the typical work activities that they carry out in support of those Departments, authorities and agencies?

2240

Hon. P J Balban: Mr Speaker, the only person I am able to comment upon is the Health and Safety
officer we have within the Technical Services Department. You would actually have to ask the other
relevant Ministries to see what their Health and Safety advisers do in their relevant Departments.

2245

In my Ministry, in which is the Technical Services Department, the Health and Safety officer there is
actually responsible for looking after the wellbeing and the safety of the Sewers Division, so he will
actually go and check the procedure they are using before entering a sewer etc is adhered to, and just
guarantees the safety of the workforce in that respect.

2250

Hon. J J Netto: I can accept that, in the sense that what he is basically saying is that because of
people who work in confined spaces... In other words, the people who work in the sewers obviously
require a very high standard of Health and Safety – and I know that from experience myself, and that is
quite correct – but my supplementary question is much wider than that, in the sense that if you look – in
the UK, at least; it may be different in Gibraltar – that the work that typical Health and Safety officers or
advisers do, it has a wide range that they could do to ensure giving advice to that particular organisation
that they are complying with obviously legislation affecting the circumstances or the environment in
which they are working. They do audits and risk assessments on behalf of those Departments, but I do not
know whether that same pattern that they follow in the UK is necessarily the pattern they follow here.
This is why I am trying to seek a clarification from the Hon. the Minister for Health and Safety. Do they
follow the same pattern they follow in the UK, or is it a different one?

2260

2265 **Hon. P J Balban:** Mr Speaker, I presume that these individuals working in the other different Ministries will be responsible for, obviously, looking after the Health and Safety of the persons within their organisation. As I said, I have the responsibility for the member of staff in the Technical Services Department. I know exactly what that person is responsible for. I would presume, or I do know the fact that there are other individuals within the other Ministries... that Health and Safety is not their pure, full-time job. They are qualified in Health and Safety and I presume they will give advice to the relevant Departments, but that is not the entirety of what they do.

2270 **Hon. J J Netto:** Mr Speaker, I cannot remember now whether it was this morning or perhaps yesterday, when there was a Question from my hon. Friend, Isobel Ellul-Hammond to the Minister for Health, in relation to the audit being carried out by the factories inspectors on the kitchen. Basically, the Minister said it is not the only audit that is being carried out by the factories inspectors; there are other audits. Obviously, he has not got, in the GHA, a Health and Safety officer or... what is the other word now I am looking for? – *bueno*, a Health and Safety officer to be able to conduct that, but the equivalent in the UK would mean that their own in-house Health and Safety officer would have been able to do that.

2275 Presumably, your own Health and Safety officer in the Technical Department, over and above what you have just cited, in terms of supporting the people working in the sewers, because of confined spaces, will also be able to help the Department as a whole in relation to complying with a whole series of different things, from lighting to chairs to risk assessments and records in support of the senior management or the Chief Executive of the Technical Department.

2280 Given I do not know the answer to my question, I am asking the question to you, as the Minister. In other words, having said all of that, do those officers in those Departments follow the same pattern as the UK, or a different one?

2285 **Hon. P J Balban:** Mr Speaker, referring back to, obviously, what the hon. Gentleman was saying about the Technical Services Department Health and Safety officer, he is predominantly involved in the sewers section. There is enough work in the sewers section for him, so he would not be engaged in giving advice to the GHA, as a matter of course for that matter. So, that falls under the remit of the Health and Safety Inspectorate, who will conduct audits if need be.

2290 As to whether the other people, who are not in my Department, follow the same guidelines as in the UK, I would presume so. As I said, they do not fall under my Ministry, so I can only advise the hon. Gentleman what Technical Services does in respect of Health and Safety.

2295 **Hon. J J Netto:** I think, Mr Speaker, all I will do is, next month, I will ask another Question to all the respective Ministers, to see what they do.

2300 **Factories Inspectorate
Improvement notices and prohibition notices issued**

Clerk: Question 786, the Hon. J J Netto.

2305 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state the reasons for the factories inspectors issuing five improvement notices and one prohibition notice in the month of August 2012 and provide the names of the company or companies, if it is more than one, obviously?

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

2310 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, a total of 12 improvement notices and one prohibition notice were issued during the month of August 2012.

2315 However, if the hon. Member is referring to the five improvement notices and one prohibition notice issued to the construction industry, I can then confirm that these were issued for breaches of the Factories (Work at Heights) Regulations.

Hon. J J Netto: Mr Speaker, can the Hon. Minister provide some more detail, not just as to the legislation, but on what actually triggered the factories inspectors to see that something was particularly wrong to issue at least one prohibition notice and five improvement notices?

2320 **Hon. P J Balban:** As I mentioned previously, there were actually *twelve* prohibition notices, not five, so exactly which of the five are you referring to? I can only assume that what you meant was construction, but again, the question was not clear enough.

2325 If the five that I am assuming are the ones that were grouped together statistically, then all the notices were issued to scaffolding companies, and they were all to do with the Factories Act (Work at Heights) Regulations.

Hon. J J Netto: And the names of the companies, Mr Speaker?

2330 **Hon. P J Balban:** Mr Speaker, I do not think it is appropriate to actually give the names of the companies, but if the hon. Gentleman likes, I can give them to him in private – and confidentially, obviously.

2335 **Hon. J J Netto:** Mr Speaker, whatever way I get the information, it is of benefit to me, undoubtedly, but I do not see the logic of why it has to be confidential, because from the point of view I am looking at this, these are companies which, to some degree or other, from the point of view of the factories inspectors, have been determined that they were doing certain activities which were not right and, as a result of not being right, they issued a prohibition notice and five improvement notices. So I do not see why there is a reason why we should not know the company. Is there any particular reason?

2340 **Hon. P J Balban:** Mr Speaker, as the hon. Gentleman is aware, these are simply improvement notices and they could be to do with minor issues, minor things. Obviously, I do not think it is appropriate to name and shame companies who may have just done something very minor, and yet the overall impression could be that they did something which was serious.

2345 **Mr Speaker:** I think I should just remind Members, we all enjoy parliamentary privilege here and we should always be very careful in naming individuals or entities, because even though prohibition notices have been issued, they could be erroneously issued and the party concerned has the right of recourse in terms of challenging those notices. So we must be careful when we start bandying names of persons and entities in this House.

2350 **Hon. J J Netto:** Okay, fair enough, Mr Speaker.

Mr Speaker: No, just as a general principle.

2355 **Hon. J J Netto:** Alright, I accept that and I also accept what the Minister suggested, that he can give it to me confidentially.

2360 **Health and Safety
Industrial accidents**

Clerk: Question 787, the Hon. J J Netto.

2365 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents during the months of July and August 2012, showing the industry group and the name of the company, and state which ones were reportable, major and fatal, if any?

2370 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Questions 788 to 790.

2375 **Factories inspectors
Site meetings**

2380 **Clerk:** Question 788.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many site meetings were attended and advice given by the factories inspectors during the months of July and August 2012, stating the names of the companies or public sector organisations?

2385

**Factories inspectors
Inspections**

Clerk: Question 789.

2390

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many inspections during the months of July and August 2012 did the factories inspectors carry out, stating the names of the companies or public sector organisations inspected, whether any possible breach of the Factories Act or any subsidiary legislation has taken place, and whether legal advice is being sought?

2395

**Health and Safety Inspectorate
Inspections, site meetings and advice given**

2400

Clerk: Question 790.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety now provide me with the breakdown of figures for the months of May and June 2012 in relation to inspections/site meetings/advice, which he so kindly promised me in reply to Question 555/2012 but has not yet done?

2405

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

2410

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Questions 787, 788 and 790, the information requested by the hon. Member is available online on the Government's website.

In answer to Question 789, the information requested by the hon. Member is available on the Government website.

In relation to legal advice, no legal advice has been sought.

2415

Hon. J J Netto: Mr Speaker, but unfortunately it does not answer my Questions, because what the Government website provides for is to put together different categories of... *o sea*, put together my individual respective Questions into a big group, from which I cannot then identify which one falls within inspection, which is a specific Question, or how many fall within what is basically site meetings or advice. So the manner in which the Government is providing information on the website does not correspond to the nature of my Question, which is very specific in kind.

2420

What I am saying is that in the past, when I have brought these to matters to the Minister, he kindly said to me, 'Yes, you have got a point, it is valid, and I will provide information.' Now he seems to be saying to me, 'Forget what I said to you in the past, which is that I will provide the information in the manner that you have asked the Question, and you can go and look at the Government website, which still continues not to provide me with the answer in the manner in which I have asked for it.' So, which of the two is it, Mr Speaker?

2425

2430

Hon. P J Balban: Mr Speaker, the statistical information, the actual information the hon. Member is requesting, as I said, has been provided monthly from the start, instead of statistically, and this information is actually on the Government website.

If there is anything in particular that the hon. Member wants to elaborate upon, please ask by supplementary and I am happy to give you more information when available.

2435

Hon. J J Netto: It is not a question of asking supplementaries; it is a question that I have given notice of a specific Question and the Questions are not being answered.

2440

He may choose to say, 'Look, regardless of what you ask, I am not going to give you the answer,' and that is fine if he does not want to give me the answer; but given that in the past, in answer to Question 555, he already said he recognised that he is not providing me with the answer and that he is going to provide me with it, he is now regurgitating the fact that he is not going to provide me with the answer, regardless of having told me he is going to give me the answer.

2445

Which one is it? Is he able to provide me with an answer from which I can draw a natural conclusion to my Question, which is: how many inspections in this month and how many site meetings in this month? But if you put together a graph which shows all the figures together and I cannot know which ones of those total figures are inspections or site meetings, then he is not providing the answer. He can continue to do that for as long as he wants to, but at least *tell* me that he is not going to provide me with the answer!

Hon. P J Balban: Mr Speaker, I think I get exactly what you are leading to. (*Interjection*) If I can have his attention for a minute?

2450 What you are saying is that the way the statistics are actually laid out at the moment, in groups, three things together... And this is what we have spoken about before, in the past. Unfortunately, because we do not have the software available to be able to separate these things, it just will not be possible to do so.

2455 The software, as I have mentioned in past sessions of Parliament, is very close to being ready for use, and once that is available, we will be able to provide the hon. Gentleman, I hope, with the relevant information that he requires.

Hon. J J Netto: Mr Speaker, the hon. Gentleman or his Department do not need any software at all to extract the information I am asking for. All he needs is someone to create a spreadsheet, so that when a factories inspector goes out and he records in his logbook saying, 'Today, Friday, at five o'clock in the afternoon, I went to inspect such and such a place,' that information will be put onto the spreadsheet, and given that the number of inspections we are talking about is either 50, 35, 40 – the highest is 46 – it takes five minutes within a spreadsheet to provide the information. He *does not need* a software programme!

2460 This is not about sending a rocket to Mars; this is about simple inspections! I am almost illiterate in IT – I confess that to be the case – but most people, fortunately, have a good understanding of what computers are and what a spreadsheet is, and I would have thought that it does not take a scientist to be able to get this information in the manner I am asking, which he recognised some months ago and now he is saying that he does not.

Hon. P J Balban: Mr Speaker, I do recognise what the gentleman is saying. The gentleman is saying that inspection site meetings and advice are grouped together on a spreadsheet. (**Hon. J J Netto:** I am?) Yes, and unfortunately, this is what these guys have been doing for years. This is how they used to provide the statistics in the past. As I said, this will change.

2470 **Hon. J J Netto:** No. No, Mr Speaker!

2475 **Mr Speaker:** Order! Order! Give way, the Minister is answering.

Hon. J J Netto: No, that is not true!

2480 **Mr Speaker:** Order! The Hon. Minister is answering.

Hon. P J Balban: That is about it. This is the way... I have not told them this is the way to do it. This is the way that they set up their spreadsheets and this is the way they keep the information statistically.

2485 When I have actually quizzed them and said, 'Why do we do it this way?', they say, 'Because it is not possible for us to do it any other way.' So I am obviously not going to tell them, 'This is the way it should be done because the hon. Member has requested it in that fashion,' but I am assured that once we have the computer software in place and installed, this will be possible to split up into the relevant categories that the hon. Gentleman is requesting.

2490 **Hon. J J Netto:** No, Mr Speaker, it is *not* true to say that this is the way that it has always been done. All he has to do is check the annual report that was done throughout the four years in which I was the Health and Safety Minister and he will see that inspection is in one column and it has nothing to do with site meetings or advice. So it is *not* true what he has just said.

2495 The second thing... regardless of the system that was there in place, right, all I am saying is you do not need a software programme. All you need is a spreadsheet. Pass the information from the logbook onto the spreadsheet, and given the small size of numbers or inspections, it does not take two minutes to get the answer out!

Mr Speaker, a student in Bayside learning to do IT would be able to do it!

2500 **Mr Speaker:** But there was not a question there, so we must move to the next Question.

Hon. J J Netto: Mr Speaker, please –

2505 **Mr Speaker:** No, there was no question there. With respect, I allowed the hon. Member to have his say, but there was no question there. We really must move on to the next Question.

2510

**Factories inspectors
Increase in numbers employed**

Clerk: Question 791, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety now in a position to state how many more factory inspectors will be employed during this financial year, in order to carry out the Health and Safety audit that the Minister alluded to in answer to Question 440/2012?

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

2520

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, as I already informed the hon. Member in answer to Question 440/2012, the Senior Factories Inspector has been tasked to look at proposals for review, which will then be put forward for ministerial consideration. This process has not yet been finalised, so I am still not in a position at this stage to state how many more factories inspectors will be employed, if any at all.

2525

Hon. J J Netto: Mr Speaker, this Question was prompted by the fact that the Minister, in the previous Question, was saying that they were conducting a review. I think he said at the time that the review had been initiated by the Senior Factories Inspector – I think those were his words – and that the review had started almost at the time when they got into Government, which is an obvious thing to say.

2530

So, given that they have been now almost nine months in Government, does he know at what stage the review is? In other words, whether the review is likely to finish shortly, in the next month or two?

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Hon. P J Balban: Mr Speaker, I am actually waiting for the Factories Inspector to produce and submit a report regarding the outcome of the review.

2540

Hon. J J Netto: So do I take it then that they started to do the review in December 2011, we are in September 2012, and the review is still ongoing?

2545

Hon. P J Balban: Mr Speaker, I do not recall having said the review as such started in December. The Department was being reviewed generally, so this is why we decided to get help from the two supplementary officers of the Housing Works Agency. So the review, as such, has been ongoing – that is review of the Department – but the actual review that I am talking about was a review which the Senior Factories Inspector, the Principal Factories Inspector, has been tasked to do recently and – (**Hon. J J Netto:** *Recently?*) Yes, recently. Not weeks ago, but recently. It was not December.

2550

Hon. J J Netto: Mr Speaker, that does not tally with the information that he gave in the previous Question, in Question 440, which was in May, so it obviously cannot be recently, because he was alluding there to the fact that there was a review and the fact that one of the reasons for the review is that they will be able to do this audit. So is this wrong, *Hansard* is wrong, and what you are saying now is right?

2555

Hon. P J Balban: When I referred to 'recently', I meant more recently than December 2011.

2560

Hon. J J Netto: Right, okay, alright, so at least we know now that it started in May. At least we know that, which is in *Hansard*. Given it was in May, can the Hon. Minister at least provide me with an indication of when the review is likely to finish?

2565

Hon. P J Balban: Not at this present time.

2570

**Prohibition and improvement notices
Number issued**

2575

Clerk: Question 792, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state how many prohibition and improvement notices were issued in the months of July and August 2012, specifying the names of the companies involved, the site(s), the reason(s) for issuing the notice(s), and the period which may have

2570 brought operations to a halt until the inspector was satisfied that the correct standard had been duly complied with?

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

2575 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, one prohibition notice was issued in July and one in August. On both occasions, these were issued to construction companies for breaches under the Factories (Work at Heights) Regulations. The work areas at the site in question had *not* been provided with a collective means of fall protection.

It took two working days to remedy the contraventions.

2580 Five improvement notices were issued in July 2012, and 12 in August 2012. All notices issued were for contraventions to the Factories Act (Lifting Operations and Lifting Equipment) Regulations and (Work at Heights) Regulations.

No further action was required in respect of any of these notices.

2585 **Hon. J J Netto:** Mr Speaker, just one supplementary. Do I take it then that the Hon. Minister will give me, on a confidential basis, the names of the companies, as he stated before?

2590 **Hon. P J Balban:** Obviously, one of the other ones I included in the answer I already gave, but if the hon. Gentleman insists on having the names of the companies, as long as it is given to him on the understanding that this is obviously on a confidential basis, I am happy to provide these to the hon. Gentleman.

2595 **Health and Safety statistics
Government website/Hansard discrepancies**

Clerk: Question 793, the Hon. J J Netto.

2600 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide an explanation as to why the figures recorded in *Hansard* for the month of February 2012 in relation to the number of inspections/site meetings/advice vary with the figures on the Government website for the same month as updated on 1st September 2012, or indeed with other subsequent figures recorded in *Hansard*?

2605 **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 Factories Inspectorate has been experiencing technical difficulties in transposing data with their present IT software, which seems to be the cause of the problem.

2610 The Department is in the process of acquiring a new computer software programme that will eventually solve the problem. Needless to say, any discrepancies will now be checked and corrected.

2615 **Hon. J J Netto:** Mr Speaker, everything seems to fall on this wonderful software programme that is going to come from Houston, apparently.

But look, Mr Speaker, in Question 308, when I asked how many inspections during February did the Factories Inspectorate conduct – and at that time he did provide the answer in the right form – he did say two. Then, in Question 311, when I asked about site meetings and advice, which he then used to provide the correct answer, he said, in the little chart which follows, six. Well, six and two is eight. If you look at the Government website, it is 35.

2620 Ministers are responsible for what they say in Parliament, and of course sometimes they may get the information wrong – it happens to everyone; it happened to me – but we have a duty to come to Parliament at the first possible opportunity and correct the figures.

2625 Given that this is the figure he gave in March for February for inspections on one side and for site meetings and advice on the other, and given that they have been producing an alternative figure on the Government website, surely the Minister should have known this and should have stood up in Parliament to correct the figure, for whatever administrative reason that perhaps the figure was wrong, as opposed to having to rely, from the Opposition bench, to look at the figures, find that the figures are incorrect and then ask for explanation and then have an answer which is all to do again with this wonderful software programme which is going to solve everything.

2630 Does he take responsibility for the figures he produces in Parliament?

Hon. P J Balban: Of course I take responsibility for the figures I produce in Parliament. It was not until the hon. Member raised it that I actually asked my officials and then they came up with the reply to the Question.

2635

Unfortunately, that magnificent piece of software was one that should have been in place when we came in in December. If that had been in place – or so I am told – then we would not have had to have these difficulties that we experience at the moment.

2640

We have tried with different software, and unfortunately they have not been able to get an adequate programme. I am told that we are almost there, so this is a question of just being a bit more patient and hopefully we will be able to get the figures as you so request, but the key issue is that unfortunately we are still working as we were in the past.

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Hon. J J Netto: This has got nothing whatsoever to do with the software programme. This is about a Minister who gets, month after month, Questions in the same format but asked in different months, and all he needs to have is a file in front of him, knowing what the figure was that he gave the month before to the Opposition Member and ensuring that he does his diligent work to ensure that the figures on the Government website are correct. Nothing to do with a Government software programme; it is all to do with being prepared for answering a Question and making sure that, as Minister for Health and Safety, the figures that go on the Government website and the statistics for Health and Safety match with the figures that he produces here in Parliament. *Nothing* to do with a software programme.

2650

So the question is does he take responsibility, and which figure is right – the figure he gave in Parliament, which is eight, or is it 35, because we need either to change *Hansard* or we need to change the Government website figure. So which one of the two is it?

2655

Hon. P J Balban: The answer to the first Question, I have already answered the hon. Gentleman. The source of these figures... they both come from the same source, so I would assume that, as the months go by, the figures – (*Interjection by Hon. J J Netto*) Pardon? (*Interjection by Hon. J J Netto*) Pardon?

2660

Mr Speaker: The Hon. Minister is advised not to engage in conversation, just proceed with his answer.

2665

Hon. P J Balban: I do not know what he was saying. I said the source of these figures is the same, so as months go by, presumably the webpage would be updated, so what is the hon. Gentleman asking me to do – every single month to get the figures from the Department and check on the website and check that they tally? I would assume this is what our Health and Safety officers are there to do, and when I request figures, I expect the figures that come are the correct ones, which then I come to Parliament and give to the hon. Gentleman.

2670

In reply to the answer, when I asked and quizzed my members of staff as to why these figures did not tally, the reply that I received was that they had been experiencing technical difficulties in transposing this data with their present IT software, which seems to be the cause of the problem, and then they go on to say that any discrepancies would now be checked and corrected. This is the reply from my officials.

So I would presume and I will make sure that these gentlemen down at Health and Safety check and correct these discrepancies, if so that they are.

2675

Hon. J J Netto: Just one final supplementary, Mr Speaker. I will not go much further than this.

At the end of the day, whether a satisfactory answer is given as to whether the original figure, the eight, is correct, or the 35 which is on the Government website, one is right and one is wrong – or is it a different figure altogether, not necessarily the eight or the 35?

2680

But the Minister would have a responsibility to correct whatever figure is wrong to ensure that, in the *Hansard* record, we have the right figure. So does he give that undertaking that when he gets a satisfactory answer from his staff, he will either correct *Hansard*, if *Hansard* is wrong, or he will correct the Government website?

2685

Hon. P J Balban: Mr Speaker, logically that is the intention. I will only want the correct figures to be there, both in *Hansard* and on the webpage, so that will be looked into.

One thing which I will ask the hon. Member to do, to avoid in the future comments about things I was meant to hand or I promised the gentleman... if in future everything the gentleman wants comes to me in writing, then at least I will not forget, because there could be a genuine case where you ask me for things in Parliament and I say yes, and then I could genuinely...

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So anything you request from me, please put it in writing and I will ensure that you get the reply you request.

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Gibdock
Health and safety inspections

Clerk: Question 794, the Hon. J J Netto.

2700

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state on how many occasions have the factory inspectors inspected Gibdock facilities during 2012, broken down by months, and whether any contravention to the Factories Act or any of its subsidiary legislation has been identified?

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

2705

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Gibdock facilities were inspected on two occasions, once in May and once in June 2012. No contraventions to the Factories Act or any of its subsidiary legislation were identified.

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Hon. J J Netto: Mr Speaker, does the Minister for Health and Safety... perhaps he is aware whether Gibdock does have for itself a Health and Safety adviser officer. The reason why I am asking this is because in the past, when we have discussed the industry groups where it is likely to have a higher incidence of accidents, we have always said and acknowledged that it is the construction industry, but we have also said that, once you remove the construction industry, it is the ship-repairing facilities, not just in Gibraltar but perhaps indeed in Britain and throughout Europe. Given that the nature of the work tends to provide a higher incidence of accidents, obviously we need to ensure that at least the best practice is made available.

2715

Perhaps he may even need notice of the question, but is he aware perhaps whether the Gibdock facilities within his own management team have a Health and Safety adviser officer?

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Hon. P J Balban: Mr Speaker, there is an element of *déjà vu* with all these questions. We seem to be repeating ourselves with the same questions month in, month out.

As the hon. Member obviously is aware, I am not responsible for Gibdock. In fact, as you rightly say, Gibdock has its own Health and Safety advisers within Gibdock, who are responsible for what goes on within their four walls.

2725

The only reason why a Health and Safety inspector from my Department would go into Gibdock would be following a complaint or request from someone externally, and that is when they would go in.

2730

Ministry of Defence sites
Health and Safety inspections

Clerk: Question 795, the Hon. J J Netto.

2735

Mr Speaker: I have not got a 795 in my bundle. Is there a 795? Thank you.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if any inspections have been carried-out by the factory inspectors to MOD sites during 2012, broken down by months; and, if so, have the factory inspectors detected any contravention of the Factories Act or any of its subsidiary legislation?

2740

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no inspections have been carried out by the factory inspectors to MOD sites during 2012.

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Hon. J J Netto: Is there a reason for this, Mr Speaker?

Hon. P J Balban: MOD works notified to the Inspectorate are not that many. So, going back to the previous Question, nobody actually complains about what goes on within the MOD.

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With the previous complement of two inspectors, as was the case under the previous administration, the Inspectorate could only be reactive as to the demands of the day-to-day tasks, which were ample and varied. It is now the intention of the Inspectorate to schedule works to cater for a wider scope, as we may now respond more efficiently due to the temporary increased resources.

2755

So, as part of the general inspection process, we do intend, in future, to be able to go and check the MOD, but it has not been happening during 2012 so far.

2760 **Hon. J J Netto:** Mr Speaker, does the Hon. Minister not recognise that the MOD is a substantial employer in Gibraltar, not only in terms of the amount of people it employs, but in terms also of the different functions and the different work environments that they have for different purposes? To have a situation, even with two factory inspectors, where for nine months of 2012, there appears not to have been at least one inspection perhaps is something that should have been looked into itself and perhaps should be given greater prominence, so to speak.

But I hear that the Hon. Minister is also saying that now they have the two extra seconded factory inspectors, this will be the case. Did he say that they intend to do so?

2765 **Hon. P J Balban:** Mr Speaker, once we find out what is going to happen – whether we are going to stay with... I said the two members of staff who came from the Housing and Works Agency and the Enterprise Support... If, as a result of the review, it is decided that we will keep those two members of staff, then we will have extra resources to be able to carry out inspections to a wider range of areas within Gibraltar.

2770 Coming back to the previous comment of the Member, it would be very interesting to actually know or find out – and I will try to find out – how many times our Health and Safety inspectors checked MOD with their limited resources... because now, remember, effectively we have four persons working within the Department. Prior to December 2012, we had two, so if they are complaining of lack of resources... Apparently, they say it has been historical. Obviously, I will now find out to see how many times the MOD as established was inspected in 2011, 2010, 2009 etc, because obviously now I am quite keen on learning whether this is so alien that we have not had any inspections to date.

2780 **Hon. J J Netto:** Mr Speaker, I can help him in that exercise. What I can tell him is that, in the four years I was the Minister for Health and Safety, we did take it quite seriously that the MOD is an established employer in Gibraltar and the jurisdiction of the Factories Act allows for the factory inspectors to actually go and check it. In fact, in those particular four years, they did actually go and check the MOD, because I remember there were some issues of concern.

2785 What happened subsequently, I do not know because I did not continue to be the Minister for Health and Safety, but the point I am making is, regardless of trying to find out what happened last year or the year before or the year before, does the Minister not recognise what I said before, which is that the MOD is a big employer, has a number of different functions, which one would assume that, at the very least, a number of inspections should take place during the course of a year, given the type of work that they undertake year in, year out? That is my question.

2790 **Hon. P J Balban:** Obviously, we recognise that the MOD is a big employer, just as the Government of Gibraltar is, etc. Obviously, what I am keen to know is... I am not aware, when you were the Minister for Health and Safety, whether it was just prior to the election or... I presume it was a lot earlier than that. I do not know whether you had the privilege of having that computer software and whether that computer software was ended when you left.

2795 **Hon. J J Netto:** It was bought in my time.

2800 **Hon. P J Balban:** Exactly, and in fact, so I am told – and I will check for the hon. Member, if possible – apparently, these annual reports that you mention were prepared during your time, apparently these ceased after then and it was the result of the lack of computer software. So you must have had the magical years and things must have been very good for you then! (*Interjection by Hon. J J Netto*) But I can assure you that after that the Department took a dive and, unfortunately, this is where we stand today.

2805 So it is now my responsibility to bring back this Department to more glorious magical years than the ones you experienced.

Health and Safety inspections Government Departments, authorities and agencies

2810 **Clerk:** Question 796, the Hon. J J Netto.

2815 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state on how many occasions the factory inspectors have inspected any Government Departments, authorities or agencies during January 2012 to date, broken down by months, and whether any contravention of the Factories Act or any of its subsidiary legislation has occurred on any of the sites?

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

2820 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, inspections have been carried out on four occasions since January 2012 to date as follows: in April 2012, the Electricity Authority and the Elderly Care Agency; in May 2012, the Sports Authority; and in June 2012, the Gibraltar Health Authority.

2825 Improvement notices were issued in all four cases for contraventions to the Factories Act (Lifting Equipment) Regulations and the Factories Act (Work at Heights) Regulations.

No further action was required.

2830

**Health and Safety seminar
Details**

Clerk: Question 797, the Hon. J J Netto.

2835

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if he has planned any Health and Safety seminar or conference for this year; and, if so, could he provide details of such and the location where it is to be held?

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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, yes, Her Majesty's Government of Gibraltar, in association with IOSH Gibraltar Association Branch, will be holding a seminar on Occupational Safety and Health. This will be held at the John Mackintosh Hall on 23rd October 2012. A programme detailing the event will be made public shortly.

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Hon. J J Netto: Mr Speaker, could perhaps the Hon. the Minister expand on the issues or the topics that will be developed in the course of the seminar?

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Hon. P J Balban: Mr Speaker, as I said in the last sentence, a detailed programme of events will be made public shortly, as soon as I am made aware of it.

Hon. J J Netto: Mr Speaker, I am not asking for the detailed programme; all I am asking for is a couple of the big issues that will be in the seminar.

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I am sure that if the hon. Member is going to go – which is the norm – and give a speech, he will know by now, at least before he writes his speech, what the issues are going to be. I am not asking for a detailed account now of everything that is going to transpire, but I am sure he must have some idea of those issues.

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Hon. P J Balban: Mr Speaker, I can assure the hon. Gentleman that I do not require four weeks to write a speech, but as far the gentleman needs to know, the key issues of the seminar will be Health and Safety.

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Hon. J J Netto: Mr Speaker, thank goodness it is going to be Health and Safety and not something else!

Chief Minister (Hon. F R Picardo): You asked for a couple of issues.

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Hon. P J Balban: Those are the two issues, Health and Safety –

Hon. J J Netto: That was a very enlightening answer!

Hon. P J Balban: – and I presume that I will be seeing you there as well.

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

Clerk: With that, we come to the end of Answers to Oral Questions.

2880

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2885

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W104/2012 and W142/2012.

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Procedural

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that this House do now adjourn until Friday, 28th September, at 2.30 p.m.

2895

Mr Speaker: I now propose the question, which is that this House do now adjourn to Friday, 28th September 2012 at 2.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 28th September 2012 at 2.30 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

2900

This House will now adjourn to Friday, 28th September 2012 at 2.30 p.m.

The House adjourned at 6.00 p.m.