



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.50 p.m.

Gibraltar, Monday, 17th December 2012

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

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

## Questions for Oral Answer

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

#### Spanish tourism Minister's statement on reduction

**Clerk:** Answers to Questions continue.  
Question 1010/2012, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Mr Speaker, first of all, before I pose the Question formally, I would like to express my gratitude, to both the Clerk and the House in general, for disrupting the order of Questions earlier this morning. I know that the Order Paper, as is normally the case, puts me in first, but I had a court commitment, and I am indeed very grateful for the disruption.

10 Can the Minister for Tourism confirm that he stated at a press conference recently that there had been a, I quote, 'decrease in certain sectors such as Spanish tourism'; and if so, can he provide the House with details of the basis on which he made such an assertion?

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

15 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, perhaps, in the spirit of Christmas, the hon. Gentleman could have extended his thanks also to me, given that I did not object (*Interjections*) but, be that as it may, in my own personal experience, having questions moved from one Order of the Day to another has had some difficulty for me personally in the past – and I did not even raise even one objection.

20 Mr Speaker, to answer the Question of the hon. Gentleman, I can confirm that I stated that there had been a decrease in tourism from Spain at a press conference recently. The indicators I have, up to the end of November of this year, show that there has been a decline in coach arrivals from Spain.

25 **Hon. D J Bossino:** Mr Speaker, that really satisfies the Question that I had, but simply to say, in response to the preamble to his answer, that I do beg his forgiveness for the omission. Of course, I am grateful to him personally for being so accommodating.

30 **Cruise liner arrivals  
Anticipated numbers**

**Clerk:** Question 1011, the Hon. D J Bossino.

35 **Hon. D J Bossino:** Can the Minister for Tourism confirm to this House how many cruise liner calls and passengers he expects will be arriving in Gibraltar by the end of 2012 and 2013?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I refer the hon. Gentleman to the website of the Gibraltar Port Authority.

45 **Hon. D J Bossino:** Mr Speaker, I am fully aware that one ought not to ask questions – I do not know the precise provisions of the rule – in relation to information and statistics which are in the public domain as, indeed, the Minister has just referred me to the information contained on the Gibraltar Port Authority website.

50 The reason why I ask that Question is because the information in the public domain is contradictory. I think he said, in his party political broadcast, that there were 170 cruise calls for 2012, and then he expected, in 2013, that there would be 187. In the Gibraltar Port Authority website information which I gleaned on 7th December, which is the day before... the eve on which one could file questions, it stated that there were 172 cruise calls, and for 2013, instead of 187, the same website referred to 185. So this is precisely why I used the word very carefully and asked for confirmation. Can the Minister do that for me now?

55 **Hon. N F Costa:** Mr Speaker, yes, to assist, the hon. Gentleman is correct to say that the website shows that, for 2012, the number of cruise calls is 172, and for 2013 the number of cruise calls is 185.

On the date of the broadcast, the number was 187. There have been two cancellations that brought it down to 185 for 2013.

60 If I may also, by way of background... The number of cruise calls for 2012 has fluctuated. At one point, it was 175, but now it is down to 172, as a result of cancellations during the course of this year.

**Hon. D J Bossino:** One of the reasons why I asked for confirmation is because I do appreciate that these numbers are subject to fluctuation and I wanted to know the most updated information available.

65 Just by way of a supplementary, Mr Speaker, does the Minister accept that less cruise calls does not necessarily mean less passengers? In fact, I think we had this debate at the time of the Budget, when I referred to some statistics. If I can cite these, Mr Speaker: in 2012, we had 172 calls – or 170 calls; according to the website information it was 172 – and that brought 290,000-odd passengers. In 2007, which is the second highest number of calls that Gibraltar has received, we had 227 calls, and yet that only brought – I say ‘only’ in comparison to the 2012 figures – 275,000-odd passengers, 14,000 less than in 2012.

70 So, given those statistics, does he not accept the proposition I just put to him?

75 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman has just alluded, I have accepted that premise during the course of the Budget speech and in the course of question and answer sessions.

I have explained to the hon. Gentleman that, whereas there may have been more cruise calls in previous years, the reason why numbers of passengers may be higher is simply because ships tend now to be larger, so they accommodate more cruise passengers.

80 I have, therefore, already confirmed that proposition to him in a previous question and answer and during the course of the Budget debate, but if he wishes, I am happy to reconfirm the position once again today.

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**Yacht Register  
Promotion and marketing plans**

**Clerk:** Question 1012, the Hon. D J Bossino.

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**Hon. D J Bossino:** Mr Speaker, further to the replies given to Question 688/2012, can the Minister for the Port provide this House with details of the plans the Government has to promote and market the Yacht Register?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, further to our attendance at various events this year, 2012, Government is looking to promote the Gibraltar Yacht Registry in three ways.

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For 2013, we are considering attendance at the following major forums and shows to broaden awareness and promote the Gibraltar Yacht Register: March 2013, Opportunities in Superyachts Forum, Malta; April 2013, Gibraltar Superyacht Forum; May 2013, American Superyacht Forum in Las Vegas; June 2013, the Future of Superyachts Forum, Palma de Mallorca; September 2013, Cannes Boat Show and Monaco Boat Show; November 2013, Global Superyacht Forum, Amsterdam.

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The two boats shows we are considering attending are the two most important events in the European calendar. Attending these events will be beneficial, as in these shows there are many forums and seminars taking place, allowing the opportunity to meet new possible clients.

Secondly, Mr Speaker, increase the marketing presence of the Gibraltar Yacht Registry in face-to-face meetings with associations and other targeted clients.

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Thirdly, Government is developing a promotional brochure for the Yacht Registry, which will be made available as a hard copy distributed among yacht representatives, as well as a digital copy which will be available for download from the new yacht website.

Perhaps the hon. Gentleman will want to request an invite to the Las Vegas Yacht Show.

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**Hon. D J Bossino:** Indeed, Mr Speaker, to all of them – I am sure my wife would be particularly happy! He is certainly in the... set to beat Mr Bossano in the globetrotting stakes.

Mr Speaker, he did refer, in his initial reply to the Question which I posed to him in 688/2012, that further plans were being developed to promote the Yacht Register – and presumably these are the plans – and he said that these were being devised in conjunction with, and I quote, ‘interested parties’. Can he advise this House which interested parties these are?

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**Hon. N F Costa:** Mr Speaker, the consultations have been conducted by Mr Alan Cubbin, who is the current Maritime Administrator, but the hon. Gentleman may now know that Mr Richard Montado has been shadowing Mr Alan Cubbin for the past few months, precisely because he has been selected to be the new Maritime Administrator.

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I cannot tell him precisely who the consultees are, but from recollection in my discussions with Richard and Mr Cubbin, if I recall, they were the Ocean Village Group and other private commercial entities. If he asks me again specifically, I will have the information to hand for him.

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**Hon. D J Bossino:** Mr Speaker, reference was made to the promotional brochure. I think I made this point on the last occasion that I did pose this question, Mr Speaker. Can the Minister advise this House as to when he thinks that the promotional brochure will be available? I suppose the obvious answer would be that he expects it to be available before March 2013, which is the first event that he will be attending as part of the promotional exercise. Is that correct?

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**Hon. N F Costa:** Mr Speaker, the hon. Gentleman both asks and answers his own question.

**Mr Finlayson**  
**Renewal of consultancy**

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**Clerk:** Question 1013, the Hon. D J Bossino.

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**Hon. D J Bossino:** Can the Minister for Tourism advise this House what the Government's intention is in respect of the renewal of Mr Finlayson's consultancy?

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

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**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. At this stage it is the Government's intention to renew Mr Finlayson's contract for a further six months.

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**Hon. D J Bossino:** Mr Speaker, would the renewal... and I will not suggest an answer, in case I get accused again of both asking and answering my own questions, but would the renewal be in the same terms in the certain terms of salary and... Well, the term I think he has already confirmed – it is another six months – but in terms of salary, perhaps?

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**Hon. N F Costa:** Mr Speaker, simply to say that I was not accusing the hon. Gentleman. I was simply saying that he both asked and answered his own question. It was not by way of an accusation. The answer is yes.

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**Hon. D J Bossino:** I should have asked this question at the last occasion when I had an opportunity to ask questions in relation to Mr Finlayson, but can the Minister advise this House what results Mr Finlayson has produced?

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**Hon. N F Costa:** Mr Speaker, we did have quite a lengthy question and answer session on Mr Finlayson. In fact, I have got the extracts here to prove the same.

If I recall correctly, on the last occasion, I informed him that when Mr Guerrero and I were in discussions with British Airways in order to increase the flights from seven to nine weekly, to have two flights on the weekend, I noted that it did greatly assist us to conclude our negotiations by the statistical work he conducted, in terms of the throughput on the number of visitors arriving at the Gibraltar Air Terminal that both stayed in Gibraltar and went through the border into Spain.

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In addition to that, Mr Speaker, Mr Finlayson has already prepared, as I referred the hon. Gentleman on the last occasion, a very thorough document which has been sent to prospective interested airlines in different parts of Europe, so that they can learn about the Air Terminal and Gibraltar as a destination and the capacity of the new Air Terminal.

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**Hon. D J Bossino:** Mr Speaker, is this very thorough document available for members of the public, or indeed myself?

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**Hon. N F Costa:** Mr Speaker, I remember asking Mr Guerrero to make that document available online. I am not sure whether it is available or not. If it is not, I will press my Chief Executive to make sure that it is available online, and I will also ask Mr Guerrero to send a copy of it to the hon. Gentleman opposite.

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**Hon. D J Bossino:** Mr Speaker, this question now links into my first and second questions, in terms of his terms and whether he feels that Mr Finlayson has performed. Does Mr Finlayson have performance targets?

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**Gibraltar Bus Company Ltd**  
**Tender for eco-friendly buses**

**Clerk:** Question 1014, the Hon. D J Bossino.

200 **Hon. D J Bossino:** Can the Minister for Transport update this House as to the progress which has been made in respect of the tender process in connection with the eco-friendly buses which are due to replace the current fleet of the Gibraltar Bus Company Ltd?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the selection process to determine the most suitable companies is in its final stages. It is envisaged that invitations to tender will be issued to these companies promptly after the New Year.

210 Since this answer was drafted, the head of procurement informed me, on Friday, that the companies that have passed the pre-qualification stage have already received letters, inviting them to put forward their proposals to the procurement board.

215 **Hon. D J Bossino:** Mr Speaker, just to recap slightly, are we still talking about nine companies at that pre-qualification stage?

**Hon. N F Costa:** I do not have the information in front of me, Mr Speaker, but from recollection, reading the e-mail on Friday, I am quite sure that there are six companies who have successfully gone to the second stage, but I will confirm that to him in writing.

**Hon. D J Bossino:** And if the Minister could, Mr Speaker, endeavour to provide this House today, if he is in a position to do so, with a prediction as to when he thinks that the first bus will be on our roads?

225 **Hon. N F Costa:** Mr Speaker, I have the e-mail before me. There are five companies who have successfully completed the pre-qualification stage. The closing date is 31st January 2013. I am further advised that, given Gibraltar's specific requirements in terms of road dimensions and weights, the production of a bus may take anywhere between nine to 12 months.

230 **Hon. D J Bossino:** Sorry, nine to 12 months from which date, Mr Speaker?

**Hon. N F Costa:** From the closing date of the submission, which is 31st January.

235 **Taxi meter system  
Progress of upgrade**

**Clerk:** Question 1015, the Hon. D J Bossino.

240 **Hon. D J Bossino:** Mr Speaker, further to the replies given to Question 597/2012, can the Minister for Transport update this House as to the progress which has been made in respect of the upgrading of the taxi meter system?

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

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government has been working closely, as the hon. Gentleman knows, with the Gibraltar Taxi Association regarding the new meter and GPS system. This is at an advanced stage, and most vehicles now have the pre-installation in place for the meters to be installed shortly.

255 **EQUALITY AND SOCIAL SERVICES**

**Dr Giraldi Home  
Resident minor**

260 **Clerk:** Question 1033, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services clarify if the minor referred to in answer to Written Question 188/2012 has been using the respite or sitting service since 2007 in the Dr Giraldi Home?

265 **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 can confirm that the minor referred to in Question 188/2012 has used the respite service and the sitting service since 2007 at Dr Giraldi Home.

270 **Hon. J J Netto:** In relation to the respite service since 2007, was that for overnight stay?

**Hon. Miss S J Sacramento:** Mr Speaker, that is not information that I have to hand. I have checked the information that has been prepared for supplementaries, and that detail is not included.

275 **Hon. J J Netto:** Mr Speaker, given that Dr Giraldi Home is an adult setting for service users, I would have thought that the more natural thing to do is that perhaps the minor would have gone to Tangier View, which is the setting for minors.

280 I do recall this particular minor, that he uses the sitting service but not the respite service, but can I ask the question whether at the time of considering, during the course of this year, the respite services – and if, indeed, it was for staying overnight – whether the management of the Care Agency did an assessment as to whether it should be provided in Dr Giraldi Home or Tangier View?

285 **Hon. Miss S J Sacramento:** Mr Speaker, the information that I have is that this service user has been using the disability service since 2007 and that he uses this service twice a week.

Mr Speaker, there is no distinction drawn as to whether this is a new service that has been introduced this year, so I can only assume that it is a continuation of what has been provided since 2007.

290 In any event, Mr Speaker, I am told that the service was provided in consultation with the parents, and therefore an assessment would have been undertaken on that occasion.

**Hon. J J Netto:** Yes, Mr Speaker, I am aware, as I said in my first supplementary question, that this minor was using the sitting service – I do not doubt that – but I do not recall, standing on my feet, that since 2007 onwards... has been using the respite services.

295 If the minor has been using the respite services – and in respite services we mean, or we define it as staying overnight for short periods of time – my supplementary question is I would have imagined that the management would have done an assessment, which would have included, of course, the views of the parents, no doubt about it, as to whether the minor should be left, or doing the respite services in an adult setting, or the natural thing would have been to go to Tangier View, which is a setting for minors.

300 So my supplementary question is, is the Minister aware that the management of the Care Agency did an assessment to determine where the respite service should be done, in Dr Giraldi Home or Tangier View?

**Hon. Miss S J Sacramento:** Mr Speaker, it is not specific information that I have before me, but having said that, I do know from the information that I have before me that, as part of the assessment that was undertaken, it was felt that the Dr Giraldi Home setting was in the best interests of the minor, given that he is familiar with the staff there because he has been using that service since 2007.

In terms of the detail of the supplementary, Mr Speaker, I do not have that particular information.

310 **Hon. J J Netto:** If I write to the hon. Lady, therefore, she might be able to provide me with the answer, Mr Speaker.

315 **Dr Giraldi Home**  
**Allegation against employee**

**Clerk:** Question 1034, the Hon. J J Netto.

320 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services confirm that an employee of the Care Agency, working in the Dr Giraldi Home, has made a report to the line manager, stating that another employee was consuming a prohibited drug whilst working in a flat in the Dr Giraldi Home?

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

325 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** No, Mr Speaker.

**Hon. P R Caruana:** No, I cannot confirm it, or...?

330 **Hon. Miss S J Sacramento:** No, there is no such report, Mr Speaker; as opposed to no, I cannot confirm. I can confirm that there is no such report.

**Hon. D A Feetham:** Can the hon. Minister confirm that she is not aware of any incident of this sort happening over the last year when she has been a Minister?

335 **Hon. Miss S J Sacramento:** Mr Speaker, when I said no, the answer is no to the way that the Question is formulated, and that is the answer, Mr Speaker.

340 **Hon. D A Feetham:** Yes, Mr Speaker, but I formulated a different question. I have asked, by way of supplementary, whether she is aware of an incident of this nature occurring whilst she has been a Minister in her Department.

345 **Hon. Miss S J Sacramento:** Mr Speaker, I am aware that there is an incident, not of this nature but of a similar nature. I can tell the hon. Gentleman that procedures have been followed and I am aware that it is being dealt with and the proper procedures have been followed in this regard.

**Hon. J J Netto:** Okay, Mr Speaker, if she is aware that an incident has taken place –

**Mr Speaker:** Of a similar nature.

350 **Hon. J J Netto:** – of a similar nature, can the hon. Lady provide the date on which this particular incident of a similar nature occurred?

355 **Hon. Miss S J Sacramento:** Mr Speaker, it is not a detail that I have before me but, in any event, Mr Speaker, because this is something which has invoked a disciplinary procedure and will be subject to a disciplinary hearing, I would be reluctant to give further details in this Parliament.

360 **Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Social Services said that it was not the same, it was of a similar nature. Can she confirm to the House that the incident involved the consumption of a prohibited drug –

**Hon. P R Caruana:** The alleged consumption.

365 **Hon. D A Feetham:** The alleged consumption of a prohibited drug whilst working in a flat or whilst on duty?

**Hon. Miss S J Sacramento:** Mr Speaker, as I said initially, that is not the subject of the... That is not the disciplinary incident that has arisen. It is not as the hon. Gentleman puts it.

370 **Hon. D A Feetham:** I am not putting it in any particular way. You, the Hon. the Minister, have said ‘a similar incident’. Can she elaborate on what a similar incident actually means? We are not asking for the Minister to divulge any names. This is not something that is going to impact on anybody’s right to a fair trial, or anything like that. This House, and certainly those on this side of the House, have a right to know what ‘similar incident’ actually means.

375 **Hon. Miss S J Sacramento:** Mr Speaker, it would not be appropriate to give further details at this stage, given, as I said before, that it is something that will be subject to disciplinary proceedings.

380 **Hon. P R Caruana:** But, Mr Speaker, will the hon. Lady not acknowledge that this House is entitled to know at least whether there has been an incident and the nature of that incident? It could be an alleged... it could be an accusation, it could be subject to investigation, but the idea that the report that something is alleged to have taken place is itself *sub judice*... Well, Mr Speaker, I suppose what we will do is wait until we read about it in the newspapers and find out about it.

385 It is clear that the hon. Member is dancing on a pinhead. (**A Member:** No.) She is answering the Question by reference to the particular way the Question has been formulated, and therefore obliging the Opposition to play Twenty Questions with her.

390 All we are interested in knowing is – without any detail, and she can couch it in whatever non-committal terms, in terms of whether the charges are proven or whether it is formal or informal – is she aware whether there has been an incident, which she has now said involves some sort of disciplinary measures, but which involves inappropriate behaviour through the consumption of substances by a carer whilst on duty? Yes, or no?

Either there has been a report of it, or there has not. It cannot be prejudicial to anybody to say, ‘Yes, there has been a report of that.’

395 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that the allegation is not that a care worker has consumed a prohibited drug at Dr Giraldi Home. That is not the allegation. I am happy to inform the hon. Members in private what the allegation is, but it is not that any care worker has consumed drugs at the Dr Giraldi Home. That is not the allegation.

400 **Hon. P R Caruana:** Yes, alright. Will the hon. Lady acknowledge that I have not couched my supplementary in relation to drugs or Dr Giraldi Home? I have said a care worker on duty, consumption of substance – which could be alcohol, which is not illegal – and it may not have been in Dr Giraldi, it may have been somewhere else.

Care worker, consumption, disciplined: is there such an incident?

405 **Hon. Miss S J Sacramento:** No, Mr Speaker, no consumption at Dr Giraldi Home of drugs or alcohol. That is the answer, Mr Speaker.

**Hon. P R Caruana:** But I am not talking about Dr Giraldi.

410 **A Member:** That was the Question.

**Hon. Miss S J Sacramento:** That is the Question.

415 **Mr Speaker:** With due respect, the original Question is ‘whilst working in a flat in the Dr Giraldi Home’.

**Hon. P R Caruana:** My supplementary.

420 **Hon. J J Netto:** Can I ask a further supplementary question, because the hon. Lady has said that disciplinary action has started – I think those were her words. Can I ask her whether invoking disciplinary action has happened at least two weeks after the alleged incident in Dr Giraldi Home?

**Hon. Miss S J Sacramento:** Mr Speaker, could he repeat the question, please?

425 **Hon. J J Netto:** What I am saying is that the hon. Lady has said that the Care Agency has invoked disciplinary action against an employee of the Care Agency. That is what the hon. Lady has said. What I am saying is, as a result of that –

430 **Mr Speaker:** You are not supposed to say; you are supposed to ask.

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

Can I therefore ask whether invoking the disciplinary code against this person has been, at the very least, two weeks after the incident had transpired?

435 **Hon. Miss S J Sacramento:** Mr Speaker, with respect and with your indulgence, I would submit that this is not a matter for Parliamentary Questions, to be discussed openly in Parliament.

440 Mr Speaker, I have already offered to the hon. Gentleman to provide him with details of the incident on a confidential basis, given that there will be disciplinary proceedings in this respect. What I can assure him is that the disciplinary procedure has been invoked and has been followed.

**Hon. D A Feetham:** Mr Speaker, I do not think it is appropriate for the hon. Lady to be offering to provide us with the information on a confidential basis – information that is a matter of public interest.



445 How does the hon. Lady actually justify the position that the party on that side of the House took in relation to all those incidents that they were asking questions about and they have now referred to a public enquiry, which you –

**Mr Speaker:** That has got nothing to do with the present Question. (*Interjection*) No, the public inquiry –

450 **Hon. D A Feetham:** How does this –

**Mr Speaker:** No, it has nothing to do with this matter.

455 **Hon. D A Feetham:** Mr Speaker, you have not heard my question.  
How do you justify the position that you have taken there and the position that you take now, which is, effectively, to provide no information about an incident in your own and in the very same Department? How do you justify that?

460 **Hon. Miss S J Sacramento:** Mr Speaker, at this stage it is an allegation and it needs to be dealt with properly and fairly, and what I am saying is that this incident is not being brushed under the carpet. It is something which has invoked the disciplinary procedure and is being dealt with.

I do not see how this allegation can be connected to anything else, Mr Speaker. That is the answer.

465 **Hon. J J Netto:** Mr Speaker, can I ask a further supplementary question?  
In relation to when the Care Agency found out that there was an allegation, did the Care Agency suspend this individual straight away, or that was done eventually, or the person has not even been suspended?

470 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, if I may assist the House, and if I may refresh the memories of the hon. Gentlemen and Lady opposite, when I asked questions, when I was a Member of the Opposition, in respect of an ongoing investigation and suspension that occurred in the GHA in respect of a particular doctor, the Hon. then the Chief Minister rose to say in this House that, because the matter was being investigated, there should not be furnished across the floor of the House *any* particulars or any questions arising out of it, which was a  
475 reply which we accepted, as a result of which I asked no more questions across the floor of the House.

My hon. Friend has, in fact, offered to go one step further than they did, which is to provide details on a confidential basis.

480 **Hon. J J Netto:** Mr Speaker, that does not offer any clarification or answer to my question. My question to the hon. Lady is to say has the person been suspended while the allegation is being made – and, if the person has been suspended, was he suspended from the minute the allegation was made; or has the person not been suspended at all?

485 **Hon. Miss S J Sacramento:** Mr Speaker, I do not feel that it is appropriate for any further details to be given at this stage.

**Hon. D A Feetham:** Mr Speaker, may I ask the hon. Lady, has the matter been reported to the Police? That is one supplementary.

490 The other one is the hon. Lady said that we were not talking about a *consumption* of prohibited drugs: are we talking about possession of a prohibited drug?

**Hon. Miss S J Sacramento:** Mr Speaker, I refer to my most recent answer and I do not wish to provide any further details at this stage, but I am happy to answer it privately.

495 **Hon. P R Caruana:** Is it the hon. Lady's position that she thinks it is prejudicial, because it is under investigation, even to tell this House the *nature* of the alleged incident? In other words, whether it is a case of murder, incest, drug consumption, simply being rude to a superior, she is willing to tell us nothing about the level of gravity of the offence. To decline to do that on the basis of *sub judice*, would she not accept, is abusive of the *sub judice* rule?

500 This House is entitled to know whether, somewhere in the public sector, there has been an incident which should be of public concern.

She is entitled to preserve the proprieties of the right to a fair hearing, or the right to a fair trial, or the right to an investigation, which I concede, but those are not the only ends of the spectrum. Those are at the end of the spectrum, and in the middle there is the ability to inform this House, which is neither one

505 thing nor the other in terms of the extremities that I have described. She cannot take refuge in the extremity when she is not being *asked* about the extremity.

510 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the fact is that the hon. Lady has given that information which the hon. Member seeks already. She has given, in one of her earlier answers, which I heard on the broadcast of these proceedings, clear indication of the nature of this type of offence, because she has confirmed that an offence of the nature of the one that the hon. Member's Question alluded to, is the sort of offence that we are dealing with.

515 Mr Speaker, let us be clear. The hon. Lady is saying, in terms, 'I do not think it is appropriate for me to say publicly, across the floor of the House, any more about what stage that issue is at, but I am quite happy to have a conversation outside so that you are aware of it,' and she is saying, '*at this stage*'. In other words, there will come a stage where things will have advanced, where it is possible to give further information across the floor of the House and put that information in the public domain.

520 Mr Speaker, I do not think that is unfair. I think that is almost, to an extent, what the hon. Member is getting to. Now that he has had confirmed what the *nature* of the offence alleged is, surely, if they are *really* interested in what is happening, they will take the information confidentially and await a future stage when the information can be put in the public domain.

525 **Hon. P R Caruana:** Mr Speaker, I am very grateful for the Hon. the Chief Minister's intervention. I do not know how much of the exchange he was able to hear in the broadcast –

**Hon. Chief Minister:** Except for the [*inaudible*].

530 **Hon. P R Caruana:** – but Mr Speaker, it is not an accurate recital of what has transpired so far to say that we are aware of the nature of the offence. Indeed, the Question asks whether it is consuming a prohibited drug while working in a flat in the Dr Giraldi Home. When I have asked the hon. Lady, she says, 'No, it is not that, but it is of a similar nature,' and when I have asked her whether it is consuming *any* substance on *any* premises by *any* care worker, she has said 'No, no.'

535 I do not suppose I am the stupidest individual in Gibraltar. I can tell him, having just sat here listening to the exchanges, mainly between other Members of this House, that I am none the wiser as to what might be the nature of the offence.

540 Indeed, that is all I am seeking in supplementary. It would suffice the purpose of *my* supplementary – I do not know if it would my colleague, but it would suffice the nature of my supplementary – simply to be told, 'Yes, it involves drugs or drug consumption or drug possession, and I am not willing to say any more on that.' That would be to confirm the *nature* of the offence, but we have not even known if it is about drugs, or it is about drug consumption or substance abuse of any kind. Indeed, it has been denied.

545 **Hon. Chief Minister:** Mr Speaker, I do not think that is quite right. I think I have heard all of the exchange, except the bit that took me from the bottom of the steps to the top here, and the hon. Gentleman will recall that he was told that an offence of the nature described did occur.

He has then sought to ask further supplementaries to determine further where that alleged type of offence occurred. So we are talking about the type of offence referred to in the Question. We do not want to say more about where it may have happened or not happened, but we have confirmed, I believe, the nature of the type of offence and are happy to give them all the details that they want privately.

550 This is not a question of not giving the details; it is just a question of wanting, *for now*, not to share them publicly – because the hon. Lady has said 'at this stage'.

**Hon. P R Caruana:** That is okay, Mr Speaker, and I now accept the Hon. the Chief Minister's answer.

555 As a result of the Hon. Chief Minister's answers, I now believe – perhaps you would confirm to me – that, without wishing to give any details, it is an offence of the nature of consuming a prohibited drug: that was contradicted by the Lady Minister, who, when I said, 'Never mind drugs, never mind Dr Giraldi – I am not asking about Dr Giraldi – is this a case of drug, or any other substance, consumption anywhere else, not just Dr Giraldi, by a care worker – yes, or no?' and I was told no.

560 **Hon. Chief Minister:** That is right, Mr Speaker, because that is the right answer, because there are – (*Interjection by Hon. P R Caruana*) The hon. Gentleman needs to know – (*Interjection by Hon. P R Caruana*) No, Mr Speaker, the hon. Gentleman needs to know that he said a number of things in the context of putting up his question, which has assumed certain aspects of what might happen in respect of such an offence, and he has gone perhaps a step too far.

565 I am quite happy to recess the House for a moment and give him the detail, Mr Speaker, but this is an issue which is sensitive because of the nature of what is happening, and the information should be put in

the public domain, absolutely right, at the right time, but not just now. That is the only thing we are saying.

570 **Hon. J J Netto:** Mr Speaker, can I ask a further supplementary question to the hon. Lady?

**Mr Speaker:** The last supplementary; I have given enough latitude.

575 **Hon. J J Netto:** Could she perhaps confirm that in the incident she is talking about on the person who seems to have done something prohibited, as far as drugs is concerned, the person was not suspended, but the person was instead transferred to the Dr Giraldi office, which is about 10 metres away from flat number 1?

580 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that the person is suspended now.

**Mr Speaker:** What was that? I did not hear.

**Hon. Miss S J Sacramento:** I can confirm that the person is currently suspended.

585 **Mr Speaker:** Is currently suspended.

**Hon. Miss S J Sacramento:** As to the details of what I am being asked, I do not know, Mr Speaker. The person is suspended and, as I understand it, has not been in touch with any of the service users since the date of the allegation.

590 **Hon. J J Netto:** Mr Speaker, that is good to know, that the person is suspended now whilst the investigation is taking place.

The person may be suspended today... My original first supplementary question was to ask when was the date of the incident –

595 **Hon. Miss S J Sacramento:** And I said no.

**Hon. J J Netto:** – and you said no. But is she aware that perhaps it was last week, or two weeks ago, or three weeks ago? If the person is suspended today, at the very least one would assume that the Minister would know whether the incident took place a week ago, two weeks ago, three weeks ago.

600 **Mr Speaker:** The Minister does not deal with the suspension, does she?

605 **Hon. J J Netto:** Well, may I ask my second supplementary question: can she confirm that she has had a meeting in Dr Giraldi Home with Jenny Allison and Carlos Banderas to discuss this issue?

**Hon. Miss S J Sacramento:** Mr Speaker, no, I have not been to Dr Giraldi Home in a while. I have not had a meeting at Dr Giraldi Home with anyone.

610 **Hon. J J Netto:** The meeting could have been, perhaps, in her office. Can she confirm that she has had a meeting with Jenny Allison and Carlos Banderas to discuss this incident?

**Hon. Chief Minister:** Wouldn't it be strange if she hadn't?

615 **Hon. Miss S J Sacramento:** Mr Speaker, the disciplinary process is being dealt with by the Human Resources Department upon legal advice every step of the way, first of all.

The matter is being conducted by the officials, as is appropriate. That I am kept informed, absolutely; and I was informed immediately when the allegation arose. That I do not recall the date right now is a different matter, because we are in the realms of supplementaries, Mr Speaker; but that I have been kept informed by management, absolutely. That it is being dealt with by management, absolutely, from the bottom to the top.

620 This is a very serious matter, Mr Speaker, and legal advice is being taken every step of the way. I can assure the hon. Gentleman that this is being dealt with appropriately and nothing will be swept under the carpet.

625 **Clerk:** Question 1035, the Hon. J –

630 **Hon. P R Caruana:** Mr Speaker, can we just add that the hon. Lady... With the Speaker's indulgence, it is the second time that she has thought it appropriate to make a reference to 'nothing being swept under the carpet'.

The interest of this side of the House is not limited to circumstances of preventing things from being swept under the carpet. In other words, it had not crossed my mind that you might have been sweeping anything under the carpet. The public interest in knowing is not limited to circumstances in which there may be an attempt to sweep under the carpet, and she must not interpret, unless the allegation is specifically made, that the fact that the Opposition takes an interest in a matter is an implicit accusation of sweeping things under the carpet.

I am grateful to Mr Speaker. It was not a supplementary.

640 **Mr Speaker:** Next question.

**Care Agency  
Ministerial contact with member of staff**

645

**Clerk:** Question 1035, the Hon. J J Netto.

650 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the hon. Lady has personally phoned a member of the Care Agency at her private home number, reassuring the employee about the reports submitted in relation to bullying and harassment during 2012?

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

655 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is not a conversation that I recall at all, but any reassurance that I would have given would be that the matter would be dealt with by the Human Resources Department, in accordance with procedure.

660

**Alzheimer's and dementia sufferers  
Domiciliary care funding**

**Clerk:** Question 1036, the Hon. J J Netto.

665 **Hon. J J Netto:** Mr Speaker, could the Minister for Social Services say how many sufferers of Alzheimer's and dementia are receiving help from the domiciliary care funding subhead of the Care Agency as from Friday, 30th October 2012, broken down by the number of hours of domiciliary care given per person and showing the total amount spent for this group since the beginning of the financial year to 30th October 2012?

670

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

675 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, 19 sufferers of Alzheimer's and dementia are receiving help from the domiciliary care funding subhead of the Care Agency as from Friday, 30th October 2012.

A table showing the number of hours per person will be handed to the Member opposite. The total amount spent for this group since the beginning of the financial year to 30th October is £61,761.22.

Answer to question 1036 of 2012

	Number of hours of Domiciliary Care received per week as from 30 October 2012
1	10
2	14
3	22.35
4	13.45
5	3
6	3
7	4.35
8	28
9	5.5
10	12
11	3
12	14
13	49
14	10
15	7
16	35
17	7
18	21
19	5

680

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

685

**Sustainable Traffic, Transport and Parking Plan  
Tender for consultancy services**

**Clerk:** Question 1042, the Hon. D J Bossino.

690

**Hon. D J Bossino:** Since Question 656/2012, can the Minister for Traffic confirm whether the tender for consultancy services in relation to the Sustainable Traffic, Transport and Parking Plan has been awarded; if so, to which entity; and can he provide further details of the services which will be provided by the successful tenderer?

695

**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, sir, it has not been awarded.

700

**Mr Speaker:** Next question.

**Hon. D J Bossino:** Mr Speaker, can the Minister provide this House with an indication as to when he considers that the tender will be awarded?

705

**Hon. P J Balban:** Mr Speaker, we are actually at the final stage of the tender assessment at the moment and it should be made imminently, the award.

710

**Hon. D J Bossino:** Mr Speaker, can I ask the Minister what has been the cause of delay? I think, in the answer to one of my supplementaries back on 19th July, he did indicate... unless I have got it wrong, but I think he did indicate that:

‘It is expected that the invitation to tender will be forwarded within the next couple of weeks.’

715

Has that been done and then...? Maybe he can explain the timeline and what has happened since 19th July, because I do not fully follow it from the answer that he gave to that particular supplementary.

**Hon. P J Balban:** Mr Speaker, an EU tender requires a minimum number of days for each stage, and this extends the whole process beyond what is normally the case for tenders published locally only.

720 In addition, the submissions received have been comprehensive and detailed, hence they require time to assess. Queries were raised and clarifications requested and replied to by the consultants. All the shortlisted consultants were also asked to give presentations.

725 **Engineer Lane/Upper Town escalator  
Awarding of tender and cost**

**Clerk:** Question 1043, the Hon. D J Bossino.

730 **Hon. D J Bossino:** Can the Minister for Traffic advise which company was awarded the tender for the construction of the Engineer Lane/Upper Town escalator and what the cost of this project is?

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

735 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the works to construct the Upper Town pedestrian link were awarded to Casais, the main contractor for the Engineer Lane multi-storey car park, as a variation to the contract in the sum of £597,901.

740 **Adjournment**

745 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Thursday, 20th December at 3.00 p.m.

**Mr Speaker:** I will now put the question that the House now adjourn to Thursday, 20th December at 3.00 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.  
The House will now adjourn to Thursday, 20th December at 3.00 p.m.

750 *The House adjourned at 3.50 p.m.*