



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 11.17 a.m.

Gibraltar, Monday, 17th December 2012

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

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

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

PRAYER

Mr Speaker

Order of the Day

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Monday, 17th December 2012.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 16th November 2012.

5 **Mr Speaker:** May I sign the Minutes as correct?

Members voted Aye.

10 *Mr Speaker signed the Minutes.*

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid.

15

DOCUMENTS LAID

Clerk: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2012.

Mr Speaker: Ordered to lie.

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

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker I have the honour to lay on the table (1) the Financial Conglomerates Regulations 2012; (2) the Financial Services (Capital Adequacy of Investment Firms) (Amendment) Regulations 2012.

Mr Speaker: Ordered to lie.

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Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

40

SPORTS, CULTURE, HERITAGE AND YOUTH

**City Fire Brigade
Vehicle exhaust extractor system**

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Clerk: Question 1016/2012, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the City Fire Brigade give the date of when the supply and maintenance of a vehicle exhaust extractor system for the City Fire Brigade went out to tender?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, this is publicly available information. The tender notice for the supply and maintenance of the vehicle exhaust system was published in the *Gibraltar Chronicle*.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister give me the date of when it appeared in the *Gibraltar Chronicle*?

Hon. S E Linares: Mr Speaker, 10th July 2012.

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**Gibraltar Cricket Association
Playing facilities**

Clerk: Question 1017, the Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure say what GSLA-administered playing facilities, meeting the requirements set out by the ICC, are presently available for use by the Gibraltar Cricket Association?

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

75 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Victoria Stadium is currently the only playing facility directly under the responsibility of the GSLA which is used for playing of cricket and which has been used for ICC/ECC matches.

80 **Hon. E J Reyes:** Yes, Mr Speaker, I see the Minister said that it has been used. Is it available today after the resurfacing? Is that place now available and suitable, meeting the required standards for cricket games?

85 **Hon. S E Linares:** Mr Speaker, there is another question on the Order Paper which should answer that, but the answer is yes.

**Gibraltar Cricket Association
Discussions re new facilities**

90 **Clerk:** Question 1018, the Hon. E J Reyes.

95 **Hon. E J Reyes:** Can the Minister for Sports and Leisure state if he has, since the answer to Question 934/2012, held discussions with the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements reached?

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

100 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, since my answer to Question 934/2012, I have met with the representatives of the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport. No agreement has yet been reached.

**Sports grants
Details of payments made**

110 **Clerk:** Question 1019, the Hon. E J Reyes.

115 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made since his answer to Question 935/2012 in respect of sports grants for each of the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

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

120 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following are the payments made, since my last answer to Question 935/2012, in respect of sports grants: grants to sporting societies, nil; international competitions, nil; sports development projects...

125 Mr Speaker, there is a whole list here. There are eight items, which I would rather, if the hon. Member will... I will pass it on to him, but I will read it, if he wants: darts, world competition, singles, £1,725; chess competition, India, £1,200; golf, Asia tour, £1,098.97; football competition, £3,319; pro tour golf, £2,750; chess competition, London, £3,638; swimming, coaching development, £965; and pro tour golf, £2,750; hosting of special sports and leisure events, nil.

130 **Hon. E J Reyes:** Yes, Mr Speaker, I would be grateful if the Hon. Minister could give me a copy of that.

Can I ask him for a slight expansion on two of the items of the eight he has mentioned? In respect of the game of golf, can he give... One of them... I think he mentioned Asia, or something – can he elaborate something else on that?

135 **Hon. S E Linares:** Yes, Mr Speaker. These are items that, before we put what is the Elite Athletes Assistance... We are trying to help athletes before that vote is put into the Budget for next year, and this

is one of the items. There is a golf player – a Gibraltarian golf player – who will be going to an Asia tour, and he is being sponsored, basically, by the GSLA.

140 **Hon. E J Reyes:** And the other golf item, Mr Speaker? Is it the same person? Is it something different?

Hon. S E Linares: Not the same person, but a similar situation.

145 **Hon. E J Reyes:** Yes, I will just wait for a copy of that, when possible.

**Victoria Stadium football pitch
Certification for international competitions**

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Clerk: Question 1020, the Hon. E J Reyes.

155 **Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm if the new football pitch playing surface recently installed at the Victoria Stadium already enjoys full approval and certification meeting UEFA and/or FIFA standards for the playing of international competitions; and, if so, when was this certification granted and by whom?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the new 2 Star synthetic playing surface installed at the Victoria Stadium was inspected and tested by an independent specialist laboratory approved by UEFA and the International Rugby Board. The results of those tests are due to be submitted to UEFA, FIFA and the IRB by the laboratory, and subsequently certification, if approved, will be issued.

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Hon. E J Reyes: Mr Speaker, does the hon. Member have a rough expected date by when we expect to have the final verdict from the inspections carried out?

170 **Hon. S E Linares:** Mr Speaker, I think it will be within the next few weeks at the most.

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

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Clerk: Question 1021, the Hon. E J Reyes.

180 **Hon. E J Reyes:** Further to his answers to Question 836/2012 and Question 939/2012, is the Minister for Culture now in a position to provide a full and detailed breakdown of expenses incurred in respect of his Ministry’s £28,000 sponsorship of the International Symposium on the ‘History of the Spanish Masonry’, which was held in Gibraltar during the month of October 2012?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to my answer to Question 836/2012 and Question 939/2012, I now hand over to the hon. Member opposite a detailed schedule with a breakdown of all income and expenditure appertaining to the International Symposium on the ‘History of the Spanish Masonry’.

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Mr Speaker, I may add to note that the enclosed accounts are still awaiting final auditing.

Hon. E J Reyes: I understand, Mr Speaker, but can I just clarify, although they may be expecting final audit, we do not expect any further receipts to be submitted for reimbursement – is that correct?

195 **Hon. S E Linares:** No, it is not expected to have any more receipts.

235 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the information requested is posted and updated on the Gibraltar Government website. It is in the statistics section of the Gibraltar Government website.

240 **Hon. E J Reyes:** Yes, Mr Speaker, I am aware of that. However, when the deadline for questions comes and I look at those tables, I see that the last time they were updated tended to be during the month of March. Being now in December... hence why, on some items, I do pose a question, because I am not fully updated with the information, and hence it is a way of being as up to date as one possibly can.

245 **Hon. S E Linares:** Mr Speaker, the last update was a few weeks ago, so I do not know how the hon. Member is saying in March. Nonetheless, Mr Speaker, what I will do is I will check on the website, and during the course of the day I will give him an update, as in from the website, because it is updated very regularly. I think the last payment was made two weeks ago and I asked my staff to notify IT to put it in – and they checked, and it was in.

250 **Hon. E J Reyes:** Yes, Mr Speaker, this is exactly what I am getting at. It was last updated a few weeks ago, hence I am referring to over four weeks ago, a month, so I do pose these questions. Sometimes what has happened, and the Clerk of this House has very kindly helped me as well to locate it, is that it seems the IT section actually updates after the deadline for the submission of questions comes.

255 So, I am not trying to be awkward; it is just that I want to ensure that, from some source or another, I do have information that is as updated as possible on a monthly basis.

Victoria Stadium Improvements required to meet UEFA standards

260 **Clerk:** Question 1024, the Hon. E J Reyes.

265 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide full details of all improvements and/or modifications which will have to be carried out at the Victoria Stadium, inclusive of players', officials' and spectators' facilities, in order to meet the minimum UEFA requirements for the hosting of official international football matches?

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

270 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, for the moment, the facilities at the Victoria Stadium have been upgraded to meet UEFA/FIFA requirements by replacing the playing surface with a 2 Star synthetic turf, upgraded flood lights, and new substitute benches which will be set up in the very near future.

275 Government is awaiting confirmation from UEFA, principally via the GFA, of any other requirements which may be required for official competitions, and has already expressed its commitment to provide for these, as and when necessary.

280 **Hon. E J Reyes:** But can I have any substantial indication of what type of improvements would be required in respect of players', officials' and spectators' facilities?

285 **Hon. S E Linares:** Mr Speaker, we are awaiting UEFA and GFA to give us whatever they need, as and when necessary. What they have required up to date is what we have facilitated. We have facilitated a 2 Star AstroTurf synthetic turf, we have put in new benches for the managers and coaches and floodlights which are – the hon. Member was watching a football match with me the other day – much brighter, and are the requirements of UEFA. What we are awaiting now is for the GFA to give us the whole list that is sent by UEFA to start continuing the upgrade that we are already doing. So, basically, there is no more until they give us the list of what they require, and we will do, as and when necessary, all the works that need to be done.

290 **Hon. E J Reyes:** Just to be doubly sure that I have understood the Minister correctly, requests that he has received from the Gibraltar Football Association have all been fully met and, to use footballing terms, the ball is actually in the GFA's court for them to submit a further list of requirements – is that correct?

295 **Hon. S E Linares:** Not the GFA. The GFA will give us the list, but it is UEFA that actually gives it to the GFA and then probably to us, because UEFA does not directly deal with us, it deals with the GFA.

Therefore, UEFA will make the GFA have the requirements, the GFA come to us, we will look at the list that they need, and we will do it.

300 **Hon. E J Reyes:** And yet I am being led to believe, by the GFA, that they have submitted some sort of list, which is why I was asking the Minister for that officially, that they have already submitted the list of requirements that they would need in the short, medium and long term; yet the Minister does not seem to be able to coincide with that version of having received the list of requests.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, because this is a UEFA matter, it is not just being discussed with the hon. Gentleman's Ministry – it is also being discussed with mine.

It is true to say that the GFA have discussed with Government a number of potential improvements that are likely to be the ones that UEFA will require if there is accession, if I can call it that, but there are not yet, as far as I know, clear and defined criteria of exactly what it is that UEFA will actually require, although I think it is fair to say we have an indication of what it is that is likely to be required.

310 But as we move towards the stage where UEFA membership becomes a reality, that is more likely to be set out more objectively by UEFA via the GFA, and the GFA with UEFA. I do not think this is just a question of an imposition; it is a question of a discussion between the national footballing association and UEFA.

315 **Hon. E J Reyes:** Yes, that does help to clarify matters tremendously.

Mr Speaker, I do not know if you consider it appropriate or not, but referring back to Question 1023, where the Minister said that the information in respect of the cultural grants was available under the statistics section, I am informed now, having had a quick browse at the website, that information was not made public until 12th December, which is actually beyond the deadline for submission of questions.

320 I know, in the past, the Chief Minister actually stepped in and said that if I had requested information by the deadline of Question Time and it had not yet been uploaded on the website, he would provide an answer in the House. Therefore, Mr Speaker, I do not know how the Minister can help me, but as at the time of the deadline of Questions, that information was not available on the website, therefore I do not have the complete answer, shall we say, for Question 1023.

325 **Hon. S E Linares:** Mr Speaker, just to make the point – and he has just proved it – that we will be updating all the time, so as and when information comes to us we will be putting it on the website.

The fact that this time it coincided in between the Question Time and the time that we are sitting here now is...

330 **Mr Speaker:** That is not satisfactory, I do not think, with all due respect to the Hon. Minister, because a date is fixed for a meeting of the House – 17th December – Questions are in a week before, on the 10th, and therefore I think it is incumbent upon the Minister, and those civil servants who draft answers, to ensure that if that information has not been published on the website before 10th December, then the answer should be provided here in the House.

335 Surely there is no great difficulty in checking, and the information that went onto the website on the 12th could very easily have been made available in the answer that the Minister should provide here this morning. I do not think that that is satisfactory, and I think that it is incumbent upon the Minister, upon the Government, to sort that out.

340 The Members of the Opposition are perfectly entitled to put in a question a week before the date on which the House is going to meet.

345 **Hon. Chief Minister:** Mr Speaker, if I might, I agree with you, it is very unsatisfactory, in fact, that information which should be published on the website should not have been published before the deadline when a question is going to be asked. That is what the Hon. Mr Reyes said that I have already said to the House, and that is the position of the Government.

350 If, by the time that the deadline for questions expires, the information which the hon. Gentleman is asking for is not public on the Government website, then that question, as far as I am concerned – it is a matter entirely for Mr Speaker – is a question which is in order and must be answered, including providing the information in this House. Even if it has subsequently been provided on the website, it must be provided in this House, and this House can be told that the information is now on the website, but it is not satisfactory to say in this House that the information was public at the time that the question was asked, because it was not.

355 Therefore, Mr Speaker, I will make sure that this is passed on to all the Departments that are responsible for the answering of questions, so that the very satisfactory and forward-looking and positive facility which is being provided by the Government to provide the statistical information online – which is the lexicon of publication on the website – does not create more problems than it is designed to resolve.

If the hon. Gentleman on this side of the House has the information available, I would encourage him to give it to the hon. Member opposite.

Mr Speaker: I am grateful to the Chief Minister.

Hon. S E Linares: Mr Speaker, I will make that information available straightaway.

As I said in the answer to my Question, I even thought that this information was published two weeks ago, as opposed to on the date it has been published. Like the Chief Minister says, I will make sure that, as from now on, any question, if a question is posed, that the information is not even posted until it comes to the Parliament. That could be a way in which we can deal with it.

Therefore, I apologise on behalf of my staff if they have inadvertently, in a rush, put the information in between the time of the closing date of the questions to the date when we sit in Parliament.

Mr Speaker: Very well. Next question.

HEALTH AND THE ENVIRONMENT

Temporary power plant Update on installation

Clerk: Question 1025, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide this House with an update in relation to the installation of the temporary power plant announced in November this year?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, all the equipment arrived in Gibraltar on 4th December. Energy International and the GEA commenced testing on Friday, 14th December and, all going well, all units should be operational by 21st December.

Barbary macaques Injuries reported to St Bernard's Hospital

Clerk: Question 1026, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide details of all incidents reported to or at St Bernard's Hospital of injuries sustained by persons, whether local or foreign, as a result of unwanted contact with Barbary macaques, including but not limited to ape bites, scratches, bruising, shock and any other injury, for the last 12 months?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the information requested by the hon. Member is contained in a schedule, which I now hand over to him.

Let me point out, Mr Speaker, that the data is collected as bites only.

Answer to Question 1026

MONTH	APE BITES
January	1
February	1
March	5
April	4
May	5
June	6
July	9
August	18
September	8
October	2
November	7
December	Pending
TOTAL	66

410 **Hon. S M Figueras:** Mr Speaker, would the hon. Member be able to clarify whether the reason why the data is collected as bites only is because that is the *only* type of incident reported at St Bernard's Hospital?

415 **Hon. Dr J E Cortes:** Mr Speaker, I suspect that that might well be the reason. In asking for the data, the only data that was available was that of bites. I suspect that there will be fewer reports of others. I can always check whether there is other data available in relation to the macaques, but the information that I have at the moment is that is the only data that is collected.

420 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Hon. Minister, to say that he will check if there is any more information is somewhat unsatisfactory – to the extent that I asked in the Question for information relating to those incidents.

If, in fact, those enquiries have not yet been made, I would urge the Minister to explain why it is that, if there is a possibility that information exists and those incidents have taken place, why the answer is not provided.

425 **Hon. Dr J E Cortes:** Mr Speaker, my impression and the information that I have is that that is all the data that is collected.

The reason why I offered to check is just in case, by way of being helpful to the hon. Member, I can go back and see whether, in some other form and some other area, that information is collected. I doubt it, but I thought I would offer that as a gesture to try and be helpful. I think it is the other way round to what the hon. Member is trying to suggest.

435 **Hon. S M Figueras:** Mr Speaker, I am, as always, grateful to the hon. Member for providing the information and for offering to be additionally helpful. I merely raise the point as one which I think is valid, given the fact that the Question asked for specific information. I will look forward to further clarification, if it is, in fact, forthcoming.

440 **Barbary macaques**
Progress re exportation

Clerk: Question 1027, the Hon. S M Figueras.

445 **Hon. S M Figueras:** Yes, Mr Speaker. Can the Minister for the Environment confirm whether or not there has been any progress with the exportation of Barbary macaques from Gibraltar since I last asked this question in November this year?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, new contacts in Morocco seem to be opening doors to this possibility, which now appears much more likely than a month ago.

455 **Hon. S M Figueras:** Is the Minister, Mr Speaker, able to provide any kind of indication of what those opening doors constitute for the community?

460 **Hon. Dr J E Cortes:** Yes, Mr Speaker, on two fronts. The Chief Minister attended a number of meetings in Morocco a few weeks ago, and among the many subjects covered this was one of them, and that seems to have opened doors which, in the past, were not open.

Also, there has been renewed confirmation, since the last meeting, from the scientific contacts that the sites where release is possible have been identified, and therefore the technical side seems to be going in the right direction – much more so than a month ago – and, if the political side continues to be cleared, as I have mentioned earlier, then it is, as I said, much more likely than it was a month ago.

465 **Hon. S M Figueras:** Mr Speaker, the hon. Member refers to doors opening in Morocco. Could I ask the Minister to clarify two points: one, whether the Tunisian contacts – or Tunisian project, if we were to call it that – have progressed any further since we last spoke of them; and secondly, whether he can provide any clarification as to whether the sites of release are in respect of the Moroccan contacts or the Tunisian ones?

475 **Hon. Dr J E Cortes:** Mr Speaker, to answer the second part first, the sites identified have been identified by scientists in the University of Rabat and they are specifically for Morocco. I do not have a list of the sites; I have just been told that they have the list available as and when this project comes to fruition, which I sincerely hope it does.

480 Regarding the Tunisian authorities, renewed contacts have been attempted and we are awaiting a reply. We must remember that there was a change of Government about a year ago or so, or maybe it was more – the Arab Spring episode – and therefore a lot of the people who were there at the time when this was originally started, in 2006, are no longer there, and therefore we are attempting to re-establish those contacts.

485 **Hon. S M Figueras:** Perhaps it is good to clarify that the Arab Spring did not bring about the change of Government here, but I am grateful for the information that the Hon. Minister has provided. I will pursue the matter further [*inaudible*]. I will pursue the matter further.

Thank you, I am grateful.

490 **GHA review of progress**
Request for publication of report

Clerk: Question 1028, the Hon. Mrs I M Ellul-Hammond.

495 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to publish the results of the GHA review of progress commissioned in June 2012 and completed in August 2012, costing £96,471, and to make the report available to this House, seeing that all GHA board members, GHA executive members and senior clinicians have had sight of it?

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

505 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Speaker. I should point out, Mr Speaker, that the review has been shared with the board and the executive, both include clinicians, but not generally with other members of staff. I expect that it will be published early in the first part of the New Year.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, could the Minister elaborate why early on in the New Year, and not now?

510 **Hon. Dr J E Cortes:** Mr Speaker, the view of the boards, or the bodies, that I have discussed it with is that the report will identify a number of areas where improvements need to be carried out, and it was felt by both these bodies – and it is advice that I am heeding – that we wish to have the structures clearly identified, that will address a lot of these problems, more or less at the time of the publication of the report.

515 As I say, this will now not take very long. With the coming few weeks of Christmas, I suspect that it will be shortly after that that we will feel that we are in a position to publish it.

520 **Acting CEOs of GHA**
Remuneration

Clerk: Question 1029, the Hon. Mrs I M Ellul-Hammond.

525 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state how much Mr John Langan and Mr Ernest Lima will be getting paid for their role as Acting Chief Executive Officers of the GHA?

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

530 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the remuneration for Mr Langan and Mr Lima will be approximately £16,667 per month for both. For the avoidance of doubt, this is for both together, and not for each. This is equivalent to a rate of about £200,000 per annum for both, or £4,000 less than the remuneration of the last incumbent.

535 Mr Langan will be performing the full functions of Chief Executive in an interim but not in an acting capacity, with Mr Lima in a supporting and advisory role.

Mr Lima will also be providing advice to me, as Minister, on health issues at ministerial level, which are separate from the Health Authority.

540 No definite date has been set for the cessation of these arrangements, although it is intended they should run for six to nine months.

Hon. Mrs I M Ellul-Hammond: I am grateful for that, Mr Speaker.

Could the Minister provide a breakdown of the £16,667 per month? How much of that will Mr Langan be getting, and how much Mr Lima?

545 **Hon. Dr J E Cortes:** Mr Speaker, this may well vary on a month-to-month basis. There is a flexible arrangement. I suspect that it will be approximately two-thirds Mr Langan and one-third Mr Lima, because Mr Lima will not... Well, Mr Lima says he will not be working full-time, although as Members on both sides of this House know, that probably means he will be working full-time, but that is probably the way that this will be divided.

550 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, how will the payment be calculated? Is it by number of hours put in?

555 **Hon. Dr J E Cortes:** This is the likely way in which this will be done.

Dr David McCutcheon
Performance as CEO of GHA

560 **Clerk:** Question 1030, the Hon. Mrs I M Ellul-Hammond.

565 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health inform this House which specific performance indicators, as stipulated in his contracts, Dr David McCutcheon failed to deliver on as Chief Executive Officer of the GHA, together with details of which performance indicators Dr David McCutcheon did deliver upon?

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

570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this is a difficult Question for me to answer – I have no problem in saying that – as I worked with Dr McCutcheon for only nine months before he resigned. It is a Question which could better be answered by the former Minister, or indeed by the hon. Member, as she was a member of the board of the GHA from 2007, including the time in 2010 when Dr McCutcheon's contract was last renewed.

575 In my statement at the last sitting of Parliament, I referred to performance indicators in the context of the two renewals of Dr McCutcheon's contracts. Mr Speaker, there are performance indicators which define aims that will be recurrent and that therefore one would expect to be repeated in recurring contracts, regardless of how well they may have been fulfilled. I would give, as examples, the management of the budget or the ensuring that statutory duties are fulfilled.

580 Other indicators, however, set specific targets that are either achieved or are not. Inclusion of such targets in successive contracts can reasonably be considered as an indication that they have not been met, especially where specific deadlines are given. Examples of these in this case would therefore be elimination of waiting lists, introduction of effective clinical and non-clinical risk management process, and commissioning of new information and technology systems.

585 Therefore, in these and similar cases, it must be taken as understood that at the time of contract renewal, in 2007 and 2010, the then Minister, or the Government, did not consider that these targets had been met.

590 On whether other targets had been met at the time I can only speculate, as I ceased to be a board member in 2007 and the hon. Member was appointed in my place. All I can do is give an opinion in relation to how I have found things now.

**Consultant orthopaedic surgeon
Locum cover**

595 **Clerk:** Question 1031, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise this House who provided locum cover for the consultant orthopaedic surgeon while he was away from work last month, together with details of the period of cover?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, no locum was engaged for the consultant orthopaedic surgeon in November.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say how many consultant orthopaedic surgeons then were available for the four-week period that one of them was away?

Hon. Dr J E Cortes: Mr Speaker, the reason why no cover was provided is that, under the terms and conditions of the consultant in question – which go back to certainly well before my time, as both the consultant orthopaedic surgeons were employed before I took over as Minister for Health – they have an arrangement in which they do 10 weeks cross-cover, and this is a general arrangement that they have between them.

610

However, had this happened before 1st October, there would only have been one consultant orthopaedic surgeon, but as we engaged an associate specialist in orthopaedics on 1st October, that means that now, when one of the consultants is away, there are, in fact, two and not one in place, as was the case before 1st October. This is except for one period of one week when the associate specialist was, in fact, away. So, for three weeks there were two orthopaedic surgeons available; for one week there was one.

615

As I say, had this happened before 1st October, there would only have been one throughout the period.

620

**Health and Safety audits and assessments
Availability of document to Members**

625

Clerk: Question 1032, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer in Written Question 180/2012 could the Minister for Health inform Parliament why an internal document of the GHA in relation to the Health and Safety audits and assessments should be denied to elected Members of Parliament?

630

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

635

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, because these are working internal documents of the GHA.

640

Hon. J J Netto: Does he mean, therefore, that once they are finalised they can be made available to Parliament, if requested?

645

Hon. Dr J E Cortes: Mr Speaker, the written question last month referred to a large number of internal documents. I would have no objection to specific ones for specific reasons, which are causing concern, being made available when they are finalised, absolutely; but I think the concern would be in... when the question was asked as a written question last time, was that providing a whole dossier of a lot of Health and Safety documents going back a number of years, which were working documents, was probably not something that should be done.

But, if anyone requests it specifically, once they are completed, then clearly, like we did in the case of the kitchen, which was provided, there will be no problem in providing it.

650

Hon. J J Netto: I am grateful, Mr Speaker.

HOUSING AND THE ELDERLY

**Alameda House, Alameda Estate
Repairs to lifts**

Clerk: We are now going to move on to the questions which are being put to the Minister for Housing and the Elderly.

Question 1037, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the reply to Question 969/2012, can the Minister for Housing now provide this House with details for the period 1st October to date of how long it took for repairs to be undertaken since the breakdown reports were first lodged in respect of the two lifts at Alameda House?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, all lifts are attended within an hour and effective repairs undertaken within four hours.

Hon. E J Reyes: Mr Speaker, I do not quite understand. If, in the last House, the answer was that the lifts had still not been repaired, and I am now asking how long it took for repairs to be undertaken, it does not coincide with the last answer if it was fixed within *x*-number of hours.

Hon. P J Balban: Mr Speaker, I do not know whether the hon. Gentleman is referring to... that the lifts in question had taken longer – is that what the Gentleman is asking?

Hon. E J Reyes: Yes. If I recall properly, Mr Speaker, last time, one of the lifts were broken down, they were still awaiting finalisation of repairs. Therefore, I am asking how long it took for the repair to be undertaken – I take it it has been completed by now – since the report was first lodged until the lift was finally fully functional again. How long was that period?

Hon. P J Balban: Mr Speaker, I am informed by the members of the Department that lifts are repaired within two hours, normally, and up to four hours maximum. The only time that a lift can take longer is when they are affected seriously by instances of water penetration, and in those instances then repairs can take substantially longer. But, generally speaking, no lift will take more than four hours to be repaired from the point after they have been reported.

Hon. E J Reyes: Yes, Mr Speaker, I understand that part, but in this case we were talking at last month's meeting that the lift was still undergoing repairs and had not been completed, and my Question is asking how long it took for the repairs to be undertaken. I do not know clearly whether the lift is now fully functional, if it is still undergoing repairs. Whether it was water penetration, or whatever the cause might be, how long was that period from the lift breaking down to the actual... fully operational of the lift again?

Hon. P J Balban: Mr Speaker, as I said, I am not entirely sure how long that lift in question took to be repaired, but the answer provided to me by the Department said it would not have taken more than four hours from the point that it was reported.

Mr Speaker: Perhaps we have a difficulty, and that is for the record, of course, it should be stated that the Hon. Mr Paul Balban is answering questions on behalf of the Minister for Housing and the Elderly, who is not present.

I do notice, though, that with reference to the answer given at the last meeting to Question 969, there was a problem about spare parts. I do not know whether the hon. Member remembers. They were awaiting spare parts, if he looks at the answer in the *Hansard*.

Hon. E J Reyes: Yes, Mr Speaker, but if at the last meeting it was confirmed to me, on behalf of the Minister for Housing, who was not able, unfortunately, to come last month either... if it was confirmed that the lift was not functioning, was still broken down, if that lift has now been repaired, how long did it take? That does not coincide with the general answer that I know the Minister has, that it takes between two and four hours. It does not answer the Question, in which I say 'how long it took for repairs to be

undertaken'. I know we aim to repair between two to four hours and that is the target, but the Question says how long did it take for the repairs to be undertaken.

715 **Mr Speaker:** The Hon. Minister committed himself, at the last meeting, to pass the information on at a later date.

720 **Hon. P J Balban:** Mr Speaker, this is exactly what I did when I got back to the office, and the reply was that this lift did not take more than four hours to repair at this point. Lifts will break down... *(Interjection)* Pardon me? Lifts, as the hon. Member is aware, will break down. They just will not break down once and that is the end of it; lifts will continue to be broken down, unfortunately. But in the case in question, I am assured by the Ministry for Housing that this incident did not take more than four hours to correct.

725 **Hon. E J Reyes:** Mr Speaker, no, I have to disagree with the Hon. Minister.

Thank you, Mr Speaker, for reminding us. It is true that, at the last meeting, the Minister committed himself to give me the information. He has not been able to provide it to me; hence why I posed the Question. My Question is how long it takes... When the report is first lodged, how long does it take from there? If it takes four hours, or whatever, from when the workmen arrive... but if I report a lift broken down on Monday morning at 10 o'clock and the workman does not come until Wednesday, and then fixes it within four hours, I think it is not correct to say it was fixed in four hours. No, since the report was first lodged, it took two days and four hours, not just the four hours.

730 More specifically to what Mr Speaker kindly reminded us, at the last meeting there was a specific question on which I accepted that the Minister had to go back to find some information, and I have made a reference to precisely that Question number, number 969. Therefore, if what the Minister is saying – and I do not think it is, but if what he is saying is that from the report being lodged and the repair being undertaken it took four hours, then the reply he gave me last month is nonsensical, because last month he admitted that that lift had been reported broken down and was still waiting to be repaired. So it does not coincide with the four-hour timeframe.

740 So, we are still none the wiser of how long it has taken, if indeed it has already been fixed, or whether it is still to be fixed, that particular lift at Alameda House.

745 **Hon. P J Balban:** Mr Speaker, taking into account the confusion there seems to be with this Question, I will seek to discuss this with the Department to get more information. As I said, I requested this information and this was the reply I received. That is the best I can do at the moment, but I will see why there is this discrepancy in question.

Mr Speaker: Next question.

750 **Hon. P R Caruana:** As a matter of interest, the Opposition is unlikely ever to be interested in how long it takes a workman to actually fix the lift once he gets onto the job. The question of how long did it take to fix the lift is a reference to how long the lift was out of order, not how long it took the workmen to fix it once they got there. It could be out of order for three months, and they go there and they could fix it in five minutes. It could take five minutes to fix. That is, I think, the point.

760 **Hon. P J Balban:** Mr Speaker, I understand what the hon. Gentleman is asking, and as I said, I have been guaranteed that the moment a lift is reported to the Ministry for Housing, the contractors are called immediately. In most circumstances, from the point that they are informed to the point that it is repaired, it actually takes four hours, unless special parts are required or unless there is an issue with water penetration. When there is an issue with water penetration, obviously that lift has to be fixed 100%, otherwise obviously the water would keep on blowing the same parts.

765 **Mid-Harbour Estate
Meeting with Committee**

Clerk: Question 1038, the Hon. E J Reyes.

770 **Hon. E J Reyes:** Can the Minister for Housing say when he expects to meet with the Committee of Mid Harbours Estate, who have been seeking an appointment to meet him for the past four months?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Minister for Housing expects to meet the Committee of Mid Harbour Estate early in the New Year.

Hon. E J Reyes: Mr Speaker, does it not seem rather a long period of time? I know that in the last month or so the Minister has unfortunately not been medically well enough to attend to his duties, but we are talking here of a six-month time span. For a committee of a big Government rental estate, it has taken them six months to meet with the Minister so they can discuss ongoing concerns. Is there any reason why it has taken so long? My understanding is that the first request came round about the month of August to be able to meet, so why has there been such a huge delay?

Hon. P J Balban: Mr Speaker, I was informed by the Department that there were issues regarding the composition of the tenants' association, that in fact one of the members of the tenants' association was not applicable, was not entitled to be part of that tenants' association because he was not, in fact, down as a tenant himself, and so there were issues in that respect, leading to the meeting taking so long to organise.

Hon. E J Reyes: So, the reason for delaying the meeting is because of the composition of the delegation?

Mr Speaker: With respect to hon. Members, are we going to make any progress in trying to arrive at the reason why there was a delay, say from the summer until now?

The reality is that the Minister for Housing and the Elderly is unable to return back to work, on medical grounds, until early in the New Year. That I happen to know personally, and therefore no progress can be made in this respect. What happened between August and now I do not think is going to take the House anywhere.

Hon. E J Reyes: No, Mr Speaker, but the Hon. Minister has now mentioned that a big contributing factor to the delay in having met is because it seems that –

Mr Speaker: But whatever the reason was, we are not going to get anywhere, are we? There was a delay for four months, for whatever reason. We are now in December. The Minister is unable to attend to his Ministry until early in the New Year, so let us look to the future.

Hon. P R Caruana: Point of order.

Mr Speaker: No, no there is no question of order.

Hon. P R Caruana: I am going to raise a Point of Order.

Mr Speaker: No!

Hon. P R Caruana: Well, you do not know what it is. You do not know what it is, so you cannot know what the Point of Order was. The only thing that Mr Speaker knows is that he does not want to hear me, but he cannot know that what I am about to say to him is not a Point of Order, because he has not heard me.

Mr Speaker, the Opposition cannot accept a position in which the Speaker rules that we cannot hold the Government to account for the failures of the past simply because we cannot remedy the past. That is true of everything that has happened. It is true of everything that every Government has ever done in the past, that –

Mr Speaker: But you have been given an answer by the Minister. (**Hon. P R Caruana:** No –)

Will the Hon. the Leader of the Opposition sit down? You have been given an answer by the Minister. (*Interjection by Hon. P R Caruana*) He has explained that there were delays in arranging a meeting because of disagreement regarding the composition –

Hon. P R Caruana: That is not [*inaudible*].

Mr Speaker: But that, you *have* been told.

835 **Hon. P R Caruana:** That is not [*inaudible*].

Mr Speaker: Having been told that that was a reason, you cannot rectify that.

840 **Hon. P R Caruana:** No, Mr Speaker –

Mr Speaker: That is the reality.

Hon. P R Caruana: Mr Speaker –

845 **Mr Speaker:** Does the Hon. Minister have anything further that he wishes to add?

Hon. P R Caruana: Yes, but I do have something further I would like to add, if you will listen to me. Mr Speaker, I stood up on a Point of Order, not to debate the question of the six-months' delay.

850 **Mr Speaker:** Well, what is the Point of Order?

Hon. P R Caruana: I have explained to Mr Speaker the Point of Order is that the Opposition would have difficulty with a ruling that rendered irrelevant, and therefore inadmissible, questions about the past.

855 **Mr Speaker:** Right.

Hon. P R Caruana: If Mr Speaker's ruling had been –

860 **Mr Speaker:** No, I will not –

Hon. P R Caruana: – 'Next question, because you have had an answer to your previous question,' as you have just said, I would not have got up on my feet. I have got up on my feet because that is *not* what Mr Speaker said.

865 **Mr Speaker:** Right, having accepted –

Hon. P R Caruana: What Mr Speaker said was that it is in the past, you cannot do anything about it, and therefore what is the point of asking questions in Parliament.

870 **Mr Speaker:** Because you have been given an answer.

Hon. P R Caruana: That is a different ruling.

875 **Mr Speaker:** But he did give an answer. (*Interjection by Hon. P R Caruana*)

I am now inviting the Minister: does he have any further information that will throw light on the reasons why there was this delay? Was there any other reason for the delay?

Hon. P J Balban: No, Mr Speaker. That was the reason for the delay and that has now been addressed.

880 Obviously, the Minister for Housing is now not at work, because of medical problems, and he has already arranged to see the tenants' committee in January, early in the New Year.

Mr Speaker: Now, does the Hon. Leader of the Opposition have any supplementaries?

885 **Hon. P R Caruana:** That is not the issue that I have spoken about.

890 **Government housing**
Tenants decanted from unsafe dwellings

Clerk: Question 1039, the Hon. E J Reyes.

895 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting, due to their dwellings becoming unsafe, since 1st January 2012, indicating the dates when the decanting became necessary and when these tenants were able or are expected to return to their homes?

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

900 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, a total of four tenants have been urgently decanted from their homes since 1st January 2012, as follows: on 31st March 2012, and they were allocated alternative accommodation on 27th July 2012; the second was, once again, on 31st March 2012, and once again allocated alternative accommodation on 4th April 2012; 905 the third was on 15th September 2012, and that family returned to the flat on 20th September 2012; and the fourth and final one was on 26th September 2012, and they returned to their flat on 15th October 2012.

910 **Hon. E J Reyes:** Mr Speaker, I see from there that the last two have been able to return to their homes. However, the two who were decanted on 31st March he says have been offered alternative accommodation. Is that alternative accommodation on a temporary basis or, alternatively, on a permanent basis, where they have moved out of their original home and have now moved permanently into a new flat?

915 **Hon. P J Balban:** Mr Speaker, by allocating alternative accommodation what I intended to say was that these persons have been permanently rehoused.

Hon. E J Reyes: Just to say, so no-one, then, at this particular stage, is waiting to return back to the flat that they had to decant and the repairs that are still ongoing – is that correct?

920 **Hon. P J Balban:** Mr Speaker, that is correct, according to the information I have received from the Department.

925 **George Jeger House, Glacis Estate
Repairs to lift**

Clerk: Question 1040, the Hon. E J Reyes.

930 **Hon. E J Reyes:** Can the Minister for Housing provide pertinent and updated details in respect of the lift at George Jeger House, Glacis Estate, which first broke down around early November 2012, together with information as to how long it took, or will take, to be repaired?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Question 1041.

940 **Portmore House, Glacis Estate
Repairs to lift**

945 **Clerk:** Question 1041.

950 **Hon. E J Reyes:** Can the Minister for Housing provide pertinent and updated details in respect of the lift at Portmore House, Glacis Estate, which first broke down around mid-November 2012, together with information as to how long it took or will take to be repaired?

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

955 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the lift broke down on 7th November 2012 and is now operational.

Hon. E J Reyes: So, how long did it actually take to be repaired, Mr Speaker?

960 **Hon. P J Balban:** Mr Speaker, on 7th November 2012, there was water penetration to the lift shaft and the plant room. Due to the damage to the lift cabin and electrical panels and mechanical components, Otis demanded that the lift be put out of service until the shafts and the lift components were completely dry and safe to operate. Hence, it dates back to 7th November 2012.

965 **Hon. E J Reyes:** Mr Speaker, I have not quite understood the answer from the hon. Member. How long did it actually take to repair? Can I have hours, days, or at least some indication of period? We know it broke down on 7th November, I understand it has now been repaired, but I am still missing the information of the length of time –

970 **Hon. P R Caruana:** On what date was it repaired?

Hon. E J Reyes: – and on what date was it repaired, and therefore I can do a mathematical calculation of how long that lift was actually broken down for.

975 **Hon. P J Balban:** Mr Speaker, I can safely say that at this time it took a lot more than four hours to repair. As to the exact dates, I am not sure, but it was last week, so it would have been out for approximately one month. If the hon. Gentleman wants to know exactly the amount of days to the date, then I will have to get back to him, but I can say it was around four weeks, about a month.

980 **Hon. E J Reyes:** Yes, Mr Speaker, that is exactly what my question was: how long it took. So I do want to know how long it took to be repaired. I think I gave you notice, and I was expecting an answer today of how long it actually took to be repaired.

985 **St Christopher's Court and The Ramps**
Sale of properties; tender process

Clerk: Question 1069, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Sorry, can I have the number again?

Mr Speaker: Question 1069.

995 **Hon. E J Reyes:** Sorry, Mr Speaker.

Can Government state how many of the residential properties at St Christopher's Court – that is No. 27 Europa Flats – and The Ramps – that is within Buena Vista Estate – remain unsold; and, if any, why these were not awarded to the recently held tender process?

1000 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1005 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, all the housing units transferred by the MOD to the Gibraltar Government at St Christopher's Court and Buena Vista, The Ramps, to date have been sold by tender.

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

1010 **Health and Safety reports**
Union representatives' rights

Clerk: Question 1044, the Hon. J J Netto.

1015 **Hon. J J Netto:** Mr Speaker, further to the answer provided to Written Question 211/2012, will the Minister for Health & Safety state whether, during this Government's term of office, they are willing to provide union representatives in Gibraltar with the same rights as their colleagues in the UK have in relation to the disclosure of Health and Safety inspection reports and accident records emanating from work places where the union have members?

1020 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1025 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Her Majesty's Government of Gibraltar is not committed to do so, but is already considering this with the District Committees of Unite.

1030 **Hon. J J Netto:** If the Government's view is that they are not committed to doing so, are they somehow open to the suggestion that if the union – whether it is Unite the Union or the Teachers Association or the GGCA – were to ask the Government, 'We would like to have those same rights as our trade union colleagues would have in the UK,' will the Government change its mind and then be committed to do so?

Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue I am handling, given my industrial relations responsibilities.

1035 What we are saying is that we are not committed to doing so, in the sense that this is not a manifesto commitment, this is not something that was raised with us before the election; but it is something that has been raised with us during the course of conversations with Unite.

1040 We have an open mind about it, but it would be working with the union to ensure – and this is the only union that has raised it, and that is why I am not talking about the GGCA or the GTA, as the hon. Gentleman has – that we are providing the information to individuals in the union who will be able to interpret it in a non-alarmist, appropriate way because that is what has happened in the United Kingdom. The unions in the United Kingdom have now, through training and through buying in the expertise, got the expertise to make assessments about Health and Safety issues in a proper fashion.

1045 That is the stage of the discussion with relevant individuals at Unite, that is what they themselves are going back and looking at, but it would have to be a very carefully structured carve-out to provide, outside of Government, this type of data to people who would then have the responsible infrastructure and expertise to assess it and assist the Government in any such site where there may have been issues of Health and Safety identified.

1050 **Hon. J J Netto:** Indeed, Mr Speaker, I accept the fact that this was not a manifesto commitment and has happened after the Election, and is only being brought about as a result of the recent conference that... I do not know what it was before, but certainly as far as I am concerned, the first time I heard about it was in the particular conference IOSH did in conjunction with Unite, the Union.

1055 My understanding of it is that, in the UK, Health and Safety representatives, regardless of the unions concerned, so long as they have members in a particular workplace, have the legal right to ask their employer to provide for those kinds of reports.

1060 Of course, Health and Safety representatives in the UK, like any other Health and Safety specialists, would have to undergo a level of training and qualification to be able to discharge those particular responsibilities on behalf of their members. So presumably, if we follow the same logic and the same caveat, that Health and Safety representatives in Gibraltar would have to be trained... In fact, I think Unite the Union has spent, over some years now, a considerable amount of time and effort in bringing tutors from the UK constantly, or periodically, to Gibraltar to provide that kind of training. Whether they have been accredited or qualified, that is something I do not know, but I hope that, if we follow the same pattern as in UK, then we can provide... at least the Government will consider that and provide trade union representatives in Gibraltar with the same legal rights as their colleagues in the UK will.

1065 **Hon. Chief Minister:** Mr Speaker, let me just clarify. This comes from my discussions with the District Committee from well before the conference here of the Institute of Health and Safety, and it is an issue that we are actively considering since then with the union, and we are looking with the union at how this would work.

1070 So I think that the hon. Gentleman has his answer. It is a favourable one and it comes, I dare say, from the spring, if he allows me to speak from recollection, from some time in the spring, one of my first meetings with the District Committee after we had been elected.

1075
**Health and Safety figures for November 2012
Prohibition and improvement notices issued**

1080 **Clerk:** Question 1045, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions was given, can the Minister for Health & Safety say how many prohibition and improvement notices were issued in the month of November 2012, specifying the name of the company or companies involved, the site or sites, the reason or reasons for issuing the notice or notices, and the period which may have brought operations to a halt until the inspectors were satisfied that the correct standards had been duly complied with?

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 1046 and 1047.

**Health and Safety figures for November 2012
Factories inspections; reported accidents**

Clerk: Question 1046.

Hon. J J Netto: Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions was given, can the Minister for Health & Safety state how many inspections during the month of November 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?

Clerk: Question 1047.

Hon. J J Netto: Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions had been given, can the Minister for Health & Safety state if there have been any reported accidents during the month of November 2012, showing the industry group and the name of the company, and state which ones were reportable, major and fatal, if any?

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 information requested by the hon. Member is contained in the schedule, which I now hand over to him.

ANSWER TO QUESTION 1047

Answer to Questions 1045 to 1047

Table
HS.3

Enforcement Activities, 2012		
Industry Sector	November	
	Prohibition/Improvement Notices Served	
	PN	IM
Air Transport Related	-	-
Bank, Finance, Insurance	-	7
Construction	-	-
Education	-	3
Electricity	-	-
Supply/Related	-	-
Horticulture	-	-
Hotel Trade	-	-
Manufacture	-	-
Medical & Health Services	-	-
Police, Security, Fire Services	-	-
Post & Communications	-	-
Public Admin & Natl Defence	-	1
Repairs Consumer Goods	-	2
Restaurants, Bar etc	-	-
Retail Trade	-	1
Road Transport Related	-	-
Sanitary Services	-	-
Sea Transport Related	-	-
Shipbuilding/Marine Repairs	-	-
Water Supply/Related	-	-
Wholesale Trade	-	-
Total	-	14

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and
Technical Services

CONTD ANSWER TO QUESTION 1047

Answer to Questions 1045 to 1047

Table HS.1
Monitoring Activities, 2012

Industry Sector	Inspections
Air Transport Related	-
Bank, Finance, Insurance	7
Construction	6
Education	6
Electricity Supply/Related	-
Horticulture	-
Hotel Trade	-
Manufacture	-
Medical & Health Services	-
Police, Security, Fire Services	-
Post & Communications	-
Public Admin & Natl Defence	1
Repairs Consumer Goods	3
Restaurants, Bar etc	-
Retail Trade	2
Road Transport Related	-
Sanitary Services	-
Sea Transport Related	2
Shipbuilding/Marine Repairs	-
Water Supply/Related	-
Wholesale Trade	2
Total	29

Updated 6 December 2012
Source: Ministry for Traffic, Health & Safety and Technical Services

CONTD ANSWER TO QUESTION 1047

Answer to Questions 1045 to 1047

Table
HS.2

Occupational Reportable Accidents, 2012

Industry Sector	November		
	Minor	Major	Fatal
Air Transport Related	-	-	-
Bank, Finance, Insurance	-	-	-
Construction	4	-	-
Education	-	-	-
Electricity Supply/Related	1	-	-
Horticulture	-	-	-
Hotel Trade	-	-	-
Manufacture	-	-	-
Medical & Health Services	-	-	-
Police, Security, Fire Services	1	-	-
Post & Communications	-	-	-
Public Admin & Natl Defence	1	-	-
Repairs Consumer Goods	-	-	-
Restaurants, Bar etc	-	-	-
Retail Trade	-	-	-
Road Transport Related	-	-	-
Sanitary Services	1	-	-
Sea Transport Related	1	-	-
Shipbuilding/Marine Repairs	-	-	-
Water Supply/Related	-	-	-
Wholesale Trade	1	-	-
Total	10	-	-

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

1120 **Hon. J J Netto:** Thank you.

Hon. P J Balban: All inspections carried out and improvement notices issued were against offences related to the Factories Act (Lifting Operations and Lifting Equipment) Regulations (9), which is the thorough examination of load tests, where practicable, on lifting equipment.

1125 I can confirm that no legal advice has been sought.

As stated in reply to previous answers, stating company names publicly is not the policy of this Government.

1130 **Hon. J J Netto:** Mr Speaker, one issue that I would like to raise, in the context of my Question and the answer provided by the Minister, is that... Well, in fact, he just stated that the policy of the Government is not to state company names, and this is something that I think the Hon. Mr Speaker mentioned something on in the past.

1135 I think that decision is profoundly unfair, quite frankly, because any person in the world with access to a computer and to the internet can actually get to the Health and Safety Executive in the UK – as I have done, and printed out all the improvement notices, all the prohibition notices – where it tells you the name of the company. It actually tells you which local authority, and if you actually click on the notice number you can actually see, for instance, like the first one I have got here, which was from Glasgow Steel Nail Co Ltd, a small description of why the factory inspector or the Health and Safety officer in the UK did that.

1140 It seems to me quite unfair, Mr Speaker, that any person in the world with access to a computer and to the internet can find out all the companies in the UK, regardless of whether it is Scotland, whether it is in Wales, whether it is in England, whether it is in Jersey, in Guernsey, the Isle of Man... can find out the names of the company, and yet me, here, a person who has been elected by the people of Gibraltar, in my role as Opposition, to hold the Government to account, the Government is not willing to provide that information, which I think is *totally* unfair.

1145 Perhaps if we can just park this statement, which I have just made, to one side, because really, Mr Speaker, I think that any person who looks at the argument I have just stated will realise that my request is *very* reasonable.

1150 Mr Speaker, I do not know whether it would be more convenient... whether we can have perhaps a private word between yourself and the Minister himself and make him aware that, in the same way that any person in the world can find out what has happened in the UK with improvement and prohibition notices, it is I think also fair that elected Members of the Gibraltar Parliament find out what happens in Gibraltar.

1155 So perhaps, Mr Speaker, with that in mind and with my request to be able to have a private word with you and the Minister so we can share the information – in fact, *anyone* with access to a computer can find out – I think that perhaps I can change the Government's policy on this matter. I think it would be most welcome at least to decide to discuss it.

1160 **Hon. P J Balban:** Was there question there?

Mr Speaker: The question is drawing attention to the fact that, in the United Kingdom, such information is available. He has noted the fact that it is not the policy of the Government here to make that information available and he is enquiring whether the Hon. Minister is prepared to consult with him and with myself in order to arrive at a conclusion on the matter.

1165 **Hon. P J Balban:** Mr Speaker, what I find incredible is that, for the first time now, statistics are available online. If this was such an important thing and this is something that you say that we should have done, why was this never done between 1988 and 1996? (**Hon. G H Licudi:** Between 1996 and 2011.) Sorry (laughter).

1170 I do not understand. You are pushing the Government to do certain things which you, the other side, when in Government, did not do – so I do not understand why the importance now.

Hon. S M Figueras: *Que pasó con el* new dawn?

1175 **Hon. J J Netto:** Mr Speaker, I have not asked a question in relation to what happened in the last 16 years when the GSD was in Government, I have not asked a question when the GSLP was last in Government between 1988 and 1996, I have not asked a question about the 40 years that the AACR Government had in relation to Health and Safety...

1180 We are where we are today, and the fact is I am asking this Question. I can find the information, like any person in the world, on what is happening in the UK, but I cannot find it out in my own Parliament, where I have been elected by the people of Gibraltar.

I think what the hon. Members need to realise, given the manifesto they have, 'A New Dawn', is that, if they want a new dawn, the fact is they have to provide answers to the questions *today*, not what happened 16 years ago, or 20 years ago, or 60 years ago.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, it is unfortunate that the hon. Member opposite has not practised in the past what he is now preaching. He is making a speech today saying of the unfairness of the situation. Is it suddenly unfair, as from 9th December 2011? What happened previously, when none of us had that information available to us? Much less information was available to us in the previous 16 years than what is available now through the publication monthly of online statistics.

The hon. Member on my right, Mr Balban, is absolutely right: why is it that it is suddenly unfair as from the 9th December 2011? The hon. Members should simply practise what they preach. They never have.

Hon. J J Netto: Mr Speaker, the fact is that, when *we* were in government, we provided *far* more information than when the last GSLP was in government, that hardly provided any information at all. That is a fact.

If they never knew what to ask when they were in Opposition, that is their problem, but I am asking things which are perfectly acceptable for any place, like in the UK, to obtain such information. So the question is not what we have done in the past, because they did worse than when we were there. **(A Member: Yes.)** That is a fact.

Mr Speaker: With respect to hon. Members, we are dealing with a specific matter, and the specific matter is under the Factories Act (Lifting Operations and Lifting Equipment) Regulations (9), which I understand do not require that such information be made public.

The hon. questioner is perfectly entitled to enjoin upon the Government a line of action – namely, will the Government do this, will the Government publish that information? I imagine it would require an amendment to the Regulations, but the answer that has been given is that it is not the policy of the Government. What the Hon. Minister can do is to enjoin upon the Government that they adopt that line of action. That is perfectly proper.

What is, I think, beyond the ambit of this Question is to discuss in general terms what information one Government has published and what information another Government has published, generally.

Hon. P R Caruana: Mr Speaker, may I ask a supplementary, with your leave?

Mr Speaker, will the Hon. Ministers – since they have both risen to speak on this – accept from me that, in this debate about who provided more information, specifically in relation to this issue, there is a huge distinction to be drawn between information that is available online, which they choose to put on line, and information being available or not available? The fact that information is now online does not mean that there is more or less transparency.

Does the hon. Member accept that, if information had been available to them when they were last on this side of the House, had they asked for it, and was given when they asked for it... I still remember the Hon. Dr Garcia asking questions about applications for planning permission, and we had to have a Cabinet meeting about whether we would give detailed information about individual named applicants, and it was given. So, will the hon. Members agree that the debate about whether they had more or less information cannot be decided on the basis of whether it is online or not online now or before, but whether it was available if sought; and this sort of information was regularly requested by the hon. Members opposite and regularly made available?

If the hon. Members couple in that fact with the fact that they want a new dawn... Well, Mr Speaker, they cannot keep on harping back to what they wrongly perceive were our practices. Never mind that they have got our practices wrong when we were in Government. They have gone to the electorate in Gibraltar saying that they want to do *better* than us, that we were very untransparent and they want a new dawn, namely, 'Away with all the GSD malpractices – now we are going to be transparent.'

Coupling both of those things together, can I urge the hon. Members, in the spirit in which my hon. Colleague made his supplementary, which appears to have been grasped by the Chair, and which I think was, frankly, not reciprocated by the nature of the hon. Member's first answer to the supplementary... can I urge the hon. Member to just agree to what the original supplementary asked, which was for a meeting to establish what were the obstacles to the Government adopting a policy that would provide information now, in relation to this area, of the sort that we used to provide when asked in other equivalent areas, which simply raises a question of identifying individual applicants or individual citizens in their interactions with the State?

Hon. G H Licudi: Mr Speaker, the hon. Member is completely wrong in his analysis. He said that they were open when they were here, that whenever we asked for information – let alone that they did not provide it online, but whenever we asked for information – that information was regularly provided.

The hon. Member has a short memory. He does not remember what happened before 8th December 2011. And it is not that long in history – we are not delving into the deep past of Gibraltar. Or does the hon. Member not remember, when I was Shadow Minister responsible for Transport, the constant questioning that I had? Question after question after question. In one Parliament, in one session, I seem to recall that there were about 40 or 50 questions that I asked in relation to their traffic plan, and on *every single question* of those 40 or 50 questions, they said, ‘The Government will not provide the information; the Government will provide the information when it is ready to do so.’ In other words, when it chooses to do so. It refused to provide any of the information, specific information which I was asking on a published document. That was what the hon. Member used to do.

As to a meeting, I certainly do not recall the hon. Members on this side ever offering a meeting to discuss Government policy. Government Policy is decided by the –

Hon. P R Caruana: We were not asked. [*Inaudible*]

Mr Speaker: I am not going to allow this matter to continue into any further acrimony. I am willing to make myself available, if it will help.

I am all in favour of as much information as possible being brought to this Parliament, because I myself am computer illiterate and therefore whatever there is online, as far as I am concerned, I do not have access to it and I think that there are still very many thousands of people in Gibraltar who are in exactly that position. Therefore, I am all in favour of Parliament being furnished with as much information as possible, as a matter of principle, but I will not allow the matter to deteriorate any further.

Next question.

Health and Safety inspections Figures on Government website

Clerk: Question 1048, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety provide an explanation for the fact that, in the new figures now being provided on the Government website for the Health and Safety inspections, we have an average of 17.55 inspections between January and September 2012, and 78 for October 2012?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, this has been as a result of a drive by the Department to carry out inspections concentrating on lifting operations and lifting equipment. This can be done as a direct result of this Government increasing its human resources within the Department and, as a result, being able to react in a more proactive manner, something unheard of in the past due to lack of resources.

Hon. J J Netto: Mr Speaker, I think, if I am right in interpreting what the Hon. Minister said, that the 78 inspections have been as a result of a drive for lifting operations – that is what he said – but if I actually look at the October figures, and I look at it against the column of industry group, I fail to see that... There may be lifting operations perhaps done in many of them. For instance, I do not know how many lifting operations are done in the hotel trade, or the medical and health services, or the repair of consumer goods, or the retail trade, so it seems to me that the 78 cannot be accounted for lifting operations. Perhaps, could the Minister elaborate on that?

Hon. P J Balban: Mr Speaker, as the hon. Gentleman has said, there was an average of 17.55 inspections between January and September. The difference between the 17.55 and 78, I am told by the Department, has been as a result of a campaign that they themselves decided to embark upon, which was that of checking and concentrating on lifting operations and lifting equipment. That is the reason why there has been an increase in activity in the month in question.

Hon. J J Netto: Mr Speaker, we are talking in averages, but the difference between 17.55 and 78 is about 60 or 61, and if we go to the figures for the month of October produced by the Ministry, it just does

1305 not add up that those extra 71 may have emanated from lifting operations. If you look at the column of the industry and you see the breakdown, it cannot be that the 61 are attributable to lifting operations. The logic is not there at all. Could the Minister perhaps elaborate on that?

1310 **Hon. P J Balban:** Mr Speaker, this is the reply received from the Department and that is the answer to the Question. The reason for an increase in the number of inspections in October 2012 has been as a direct result of this drive by the Department to carry out inspections concentrating on lifting operations and lifting equipment.

1315 **Hon. J J Netto:** Could the Minister therefore then say what inspections for lifting operations were done in the hotel trade that account for seven?

1320 **Hon. P J Balban:** Mr Speaker, I will not be able to give the hon. Gentleman an exact breakdown on each single sector of the community, of workplaces. It is something which, if the hon. Gentleman wants me to find out specifically, I will endeavour to find that information for him, but I cannot be expected to know exactly what happens in each sector.

1325 **Hon. J J Netto:** Mr Speaker, the only supplementary I am going to make now is that I will certainly write to the Minister. I will take his offer on board for a fuller explanation on the... Given that the extra 60 or 61 have been due to lifting operations, what lifting operations have been conducted in an industry group which, by the very nature of the commercial or economic activity, does not lend itself to lifting operations? Certainly I will write to the Minister to provide an answer.

1330 **Health and safety inspections
Notices issued in October 2012**

Clerk: Question 1049, the Hon. J J Netto.

1335 **Hon. J J Netto:** Mr Speaker, in relation to the one prohibition notice and the 16 improvement notices issued in the month of October 2012 by the factories inspectors, can the Minister provide a short description of the alleged concerns found by the inspectors in relation to the notices issued?

1340 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1345 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the 16 improvement notices were related to offences against the Factories Act (Lifting Operations and Lifting Equipment) Regulations as follows: failure to test fork-lift trucks, 2; failure to test passenger lifts, 10; failure to carry out tests on service lifts, 2; failure to carry out examination of garage car-lifting platforms, 1; failure to carry out examination of lifting equipment, 1.

The prohibition notice was in relation to the unsafe state of a scaffold tube hoist shaft that has now been erected for over eight years: hoist tested and failed.

1350 **Health and Safety audit
Waterport power station**

1355 **Clerk:** Question 1050, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, will the Minister for Health & Safety place a request with the factories inspectors to conduct a Health and Safety audit of Waterport Power station, given the age and state of the engines and the fact that no such audit has been conducted this year?

1360 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1365 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 1051 and 1052/2012.

**Health and Safety audits
OESCO power station**

1370 **Clerk:** Question 1051.

Hon. J J Netto: Mr Speaker, will the Minister for Health & Safety place a request with the Health & Safety inspectors to conduct a Health and Safety audit of OESCO power station, given the age and state of the engines therein and the fact that no such audit has been carried out this year?

**Health and Safety audits
MOD power station**

1380 **Clerk:** Question 1052.

Hon. J J Netto: Mr Speaker, will the Minister for Health & Safety place a request with the factories inspectors to inspect the MOD power station, given the age and state of the engines, in order to ensure that such workplace complies with the Factories Act and all other subsidiary legislation?

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

1390 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Gibraltar Electricity Authority has engaged the services of chartered Health and Safety practitioners since 2007 to conduct Health and Safety audits of not just Waterport power station but also at all other GEA locations. The last Health and Safety audit was carried out in January this year for 2012.

1395 As regards the MOD power station, I can confirm that no safety audits have been undertaken for the last three years. This power station is now managed by Gibraltar Mechanical and Electrical Services, which is a wholly Government-owned company and will be run no differently to Waterport power station and, as a result, will therefore now be subject to yearly audits.

1400 The OESCO power station is a private entity and, as such, the factories inspectors are at liberty and are competent to carry out inspections under the Factories Act, as they do in other workplaces in Gibraltar. I do not think that it is up to the Minister to request an inspection.

Hon. J J Netto: There are a couple of things that arise there, Mr Speaker, from that answer.

1405 First of all, in relation to the Waterport power station, if I understand the Minister correctly, he has said that some sort of an audit has been conducted, (*Interjection*) and I understand that an external audit has been conducted. So, in relation to that part of my Question, could I ask whether I can be provided with a copy of the said report as far as Waterport power station is concerned?

In relation –

Mr Speaker: Can we take that...? You were asking –

1410 **Hon. J J Netto:** Sorry. My supplementary question in relation to Waterport power station is could I be provided with a copy?

Mr Speaker: Let us have an answer to that, shall we?

1415 **Hon. J J Netto:** Yes, okay, sorry.

1420 **Hon. P J Balban:** Mr Speaker, this document that the hon. Member is referring to is internal, a working document of the GEA, and as such it will not be available for the hon. Gentleman. In any event, this working document actually belongs to the GEA, not to myself.

Hon. J J Netto: But in any case, Mr Speaker, whether it belongs to the Electricity Authority or not, I am sure that on the board of the Electricity Authority there must be at least one Government Minister, who can progress this and can put the request, on my behalf, to the board.

1425 So, in a supplementary question, could I ask whoever is the Government Minister – I do not know which one it is, actually, who sits on the board – to put that request on my behalf, whether it is permissible or possible for me to have that document which I have just referred to?

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to rise because there is a similar question from, I think, the hon. Lady, in respect of a similar report in respect of the GHA.

The Government's view is that being transparent and accountable does not mean that every single internal report has to be provided publicly, especially reports which are working documents, which are available in different Departments and which, because of the nature of Health and Safety audits, are documents which are produced so that action can be taken on them internally. Therefore, the position is going to be that we are not going to disclose Health and Safety audits to Members opposite or make them public.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if I am correct, is the Chief Minister referring to the GHA review of progress? (*Interjection*)

Hon. Chief Minister: The hon. Lady is asking for an audit report in respect of...

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, that is a question that was asked by Mr Netto.

Hon. J J Netto: So, let us be clear: the answer is that no internal document of any Department or Authority will be made available to Members of Parliament, regardless of whether the document is a working document or a finalised document. Is that the position of the Government?

Hon. Chief Minister: Mr Speaker, for the very reasons that the hon. Gentleman has uttered, an internal document is not going to be made a public document.

Hon. J J Netto: I do not want to bring in the House of Commons, or Scotland, or Wales, or any other thing, but I am sure that access to... Parliamentarians of the Opposition, whether in Scotland or Wales, will have access to Health and Safety audits, if so requested, and I am sure that, if that is the case, perhaps the Government could consider its position.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman was a Member of a Government for 16 years that gave considerably less information than we give.

If the hon. Gentleman is saying that an MP in the House of Commons would have access to such a report, would the Government give it, I will tell him this much: the Government would reconsider the position if he can demonstrate to us that Opposition MPs in the United Kingdom have access to such documentation. I do not believe that they do, but if he is able to demonstrate the opposite, Mr Speaker – *demonstrate* the opposite, not just tell me that he *thinks* that they do, but actually demonstrate the opposite – then I will certainly reconsider the position.

An internal document is an internal document. If it is a public document, then a different rule applies.

Hon. J J Netto: Mr Speaker, I certainly will put myself to the wheel and look for the information, and if I can get it I will certainly pass it to the Chief Minister.

Clerk: Question 1053.

Mr Speaker: Just a moment. Do you have any other supplementaries in respect of the other questions?

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

No. If I recall, the Minister for Health & Safety, in relation to the MOD power station... Obviously, I am not aware at what moment in time in the Government timetable the MOD power station is going to come over, not necessarily to the Government but to a private company, or some arrangement of that kind. I am not too sure on the deadline that the Government have on that.

That said, I take on board what the Minister says, which is it is not therefore, today, a Government asset in any form or shape; therefore, the resources available to the Minister, through the Factories Inspectorate, are not there to do an audit. That I understand but, of course, the logic behind my Question is that, given how old the power station is – in particularly the engine sets – the factories inspector can always inspect any particular place, any workplace in Gibraltar, including the MOD, and ascertain that the working conditions, or the environment there that prevails is safe for the employees who are working in that vicinity.

So I would urge the Minister, or request to the Minister, if I can, that given that we are talking about a very old power station and the engines are *very* old indeed, the request to do an inspection is a very

reasonable one, and I will put it to him whether he can put that request to the factories inspector to inspect the MOD, and not necessarily, as I said before, do an audit.

Hon. Chief Minister: Mr Speaker, that question is based on a fundamental misconception, which is that the MOD power station is not already an asset of the Government of Gibraltar: it is. (*Interjection by Hon. J J Netto*) Well, it became an asset of the Government of Gibraltar – the hon. Gentleman will correct me if I am wrong – I believe in August 2011, whilst they were still in administration.

I have risen, Mr Speaker, because I am chairing the Inter-Ministerial Committee on Electricity, as the hon. Gentleman knows. That is why the hon. Gentleman has told him that as it is now one of the power-generation assets in the hands of the Government, it will be subjected to the yearly audit which the GEA subjects its own plant to. So it will be one of the ones that will be subject to such an inspection and audit.

Hon. J J Netto: Mr Speaker, the only reason, with respect to the Chief Minister, that I have posed my Question in relation to the MOD power station is because last month, when I put my Written Question in relation to the MOD, the answer... I have not got it here at the moment at hand, but I recall the Minister saying, 'Well, we are not going to do an audit because the MOD power station does not belong to us.' So I said, 'Well, if the Minister says to me last month that they are not going to do an audit because it does not belong to the MOD...' I thought, 'Well, fair enough, if it does not belong to the Government, it does not belong to the Government. I will take the Minister's word for it and therefore forget the audit, but certainly they can do the inspection.'

So I welcome now the clarification provided by the Chief Minister in relation to this, and I welcome the fact that this will be done.

Health and Safety audit Parliament building

Mr Speaker: Next Question.

Clerk: Question 1053, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if the Parliament building complies with the Factories Act and its subsidiary legislation requirements; and if not, will the Minister place a request to the factories inspectors to conduct an audit of the building?

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, we do not feel that there is any cause for concern to give consideration to such a request.

The Parliament building complies with the Factories Act as much today as it has done for the past 16 years. Therefore, if the previous administration did not see fit to carry out an audit during those years, it is logically unlikely that this Government will do so, especially since it has been stated that the intention is to modernise said building in due course.

In any event, the hon. Member may be aware that a refurbishment of the Parliament is presently in an advanced planning stage.

Hon. J J Netto: Mr Speaker, with respect to the Hon. Minister, he said that there is no cause for concern. I think that is an important part of the answer he has given us.

Mr Speaker, I am not a Health and Safety specialist myself, but we all have access to the ante-room and we have all seen, for instance, part of the cornice at the top, which has fallen down and is now covered by wood by a contractor who fixed it up. Does the Minister, in the context of that, know whether there is asbestos in the ceiling, and as a result of broken asbestos in the ceiling – as a result of the broken cornice – there are airborne fibres which may be falling down on the staff who happen to be working down below the cornice?

Does the Minister also know that the electricity installation that is in this building goes to the year 1960, probably the days of the AACR and may perhaps not comply with electricity regulations of the Factories Ordinance?

Does the Minister know, for instance, whether these particular chairs conform to Health & Safety standards? I do not think they do.

For the Minister to say there is no cause for concern is quite a statement, Mr Speaker, when all I am asking for is for someone to do an inspection to provide that if there is anything, at least something can be done, and if there is not anything, then we are all much easier and relaxed about it.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am one of the Ministers responsible for what, in the last phrase of this answer, is referred to as the impending refurbishment of this Parliament.

The hon. Gentleman will recall that the cornice that he refers to fell at some stage after 2003 and before 2007, and that the people with responsibility for the airborne spores of asbestos – please God there are not any – which might have been circulating are the ones sitting opposite us today, him being one of them.

The hon. Gentleman will know that, although we have been accused of many things in the past 12 months, we have not been accused of spending on lavish new chairs or benches for this place, Mr Speaker. The benches and chairs in this place are the ones that were there for the past 16 years – and, indeed, even when you used to sit on these benches yourself many years ago.

The hon. Gentleman will know that nothing has happened in this building to change its makeup to take it into the sort of... or any change occurred to take any sort of concern to arise for a factories inspection to be carried out as a result of anything that has happened after 9th December 2011. But, Mr Speaker, if I can add this: the hon. Gentleman will agree with me that this building is not as accessible as it needs to be, that this building is now a Parliament the fabric of which is diminishing.

There are, Mr Speaker – and we always joke about it in the ante-Chamber – two cockroaches (**Hon. Dr J E Cortes:** Three now!) that have been lying patiently on some of the tiles that look down upon us.

Mr Speaker: I thought it was the Hon. Mr Cortes who monitored the incidence of cockroaches.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, that is why – if the hon. Member will give way – there are three, and not two.

Hon. Chief Minister: They have been there for years, Mr Speaker. They have been more patient with us than any Speaker has had the grace to be.

I am delighted to tell the House, Mr Speaker – as the hon. Gentleman has already referred, and as I had cause to mention to the Hon. the Leader of the Opposition – that we are planning a refurbishment of this place early in the New Year. Once we have some plans set out for that, we will want to be consulting with all Members, because a refurbishment of this place is not just something for the Government, it is something for the Members, which is led principally by the desire to install the cameras that will hopefully allow people to see what happens in this place and not just hear it.

In that context, Mr Speaker, with those changes coming, the Government has not thought that it makes sense to commission a Health and Safety audit of this place until such time as the refurbishment commences – something that the hon. Gentlemen opposite and Lady opposite will have an opportunity to see the detail of very shortly, and that hopefully will mean that we are not accompanied for much longer by our cockroach cousins up there.

Mr Speaker: May I inform hon. Members, in case they do not know, that in five years' time, in 2017, this building will be celebrating its bi-centenary. That is an indication of how old it is. I am aware, because I have myself been involved recently, that there are plans afoot to do something in the very near future, and I would also hope, with respect to 2017, that we can look even that far.

Health and Safety laws Representations from stakeholders

Clerk: Question 1054, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, has the Minister for Health & Safety had any representation from members of the local branch of IOSH, trade union officials, or employers in general to the effect that the current laws regarding Health and Safety are too cumbersome and a review of such is necessary for all stakeholders?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, this was mentioned at a meeting held on 23rd October 2012 with trade union officials from Unite. Present

included Susan Murray, Unite's National Health and Safety Adviser; Michael Netto, Steven Morgan, Edward Baglietto, shop stewards of Unite.

1615 As I have already informed the hon. Member in my answer to Written Question 212/2012, at present there are no immediate plans to review the legislation. However, this is not to say that Her Majesty's Government of Gibraltar will not consider reviewing the legislation in the future.

1620 **Hon. J J Netto:** I think the impression that one gets, Mr Speaker, is that everyone who has to make use of Health and Safety legislation... and I think the Factories Act, if I remember rightly, goes back to the early 1950s, or something to that effect. Obviously, as a result of that, we have had very integrated legislation going back to the 1950s, plus all the European legislation that we have had to transpose, which has been added onto the Factories Act.

1625 I think that if the Hon. Minister actually speaks not just to the people he mentioned in his answer right now, but indeed those people on the front line, delivering Health and Safety in whatever industry groups, in whatever company it is, public or private, he will find that there is a need for a review. The legislation is too cumbersome to operate and perhaps...

1630 There are different schools of thought as to the way forward. Some say that we should model on to the UK, in which... Obviously, they have certainly streamlined all that bulkiness of legislation, and I think that if the Minister actually makes it some sort of a priority – I am not saying an immediate priority, but certainly some kind of a priority – during the course of his term, that would be welcomed by all stakeholders.

So, in the question that I pose to him, I am basically saying, 'Look, this is something that the people on the ground floor will certainly benefit from.' Indeed, even the Government will benefit as a result of that, so I am putting that question to him.

1635 **Hon. P J Balban:** Mr Speaker, in fact it was, I believe, 1956 when the legislation was originally drafted, but when we said 'A New Dawn', I did not expect the hon. Member opposite to suddenly wake up and realise that it was since 1956 that this legislation was in effect.

1640 They had 16 years to be able to do something about it. It has been cumbersome not only for the past 12 months, but it has been cumbersome for a lot longer than that. The previous administration had the power to be able to have done this. This legislation has not been cumbersome in the past year; it has been cumbersome for a lot longer than that.

1645 **Hon. J J Netto:** Mr Speaker, certainly we did a hell of a lot of things in the 16 years that we were in government, like the transposition of a lot of Health and Safety directives, which were not transposed –

Mr Speaker: Would the hon. Member please ask a supplementary question? I think he is urging the Minister to consider reviewing the legislation.

1650 **Hon. J J Netto:** Yes, that is what I am... I do not want to get... You are right, absolutely right, Mr Speaker. I am not going to get tracked on what happened 16 years ago, but it is up to the Minister. If he wants to take my request on board and start thinking that *he* is the Minister, *he* is the one who has got to act, and if he listens to the stakeholders they will tell him that there is a need for a consolidation. So my question is to him. Think about your watch, and do it now.

1655 **Hon. P J Balban:** Mr Speaker, we will most definitely take a look at this so-called cumbersome legislation, but the point in question is that this has not been something which has happened overnight. We have been in government for 12 months. The hon. Gentleman was there for a lot longer, and this could have been done, if it was so important to have done so. We will most definitely have a look at that. The hon. Gentleman did have his opportunities to do so in the past.

1660

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1665

University of Gibraltar Discrepancy re consultancy fees

1670 **Mr Speaker:** Next question.

Clerk: Question 1064, the Hon. Mrs I M Ellul-Hammond.

1675 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain why there is a financial discrepancy between £25,000 paid as consultancy fees for the 'Establishment of University of Gibraltar', as cited in answer to Question 578/2012, and £12,500 for 'Education Department – Study into the setting up of a University in Gibraltar', as cited in Table GC1 'Government Awarded Contracts (over £2,000) by direct allocation since the General Election' on the Government website?

1680 **Clerk:** Answer the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1685 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the fee of £25,000 was paid in two tranches: £12,500 was paid in March 2012; and the second one, of £12,500, in September 2012.

The details of the second payment were inadvertently omitted from the updates to the website.

1690 **St Bernard's School**
Water ingress and termite infestation

Clerk: Question 1065, the Hon. Mrs I M Ellul-Hammond.

1695 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say what is being done to prevent the severe water ingress and the termite infestation at St Bernard's School?

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

1700 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the problem with water ingress at St Bernard's School is not new. There are reports of water ingress since 2004, and it is likely that the problem existed before then. Remedial works have been carried out in the past, but the problem has not been resolved.

1705 GJBS has been asked to prepare a scope of works for the Department of Education to consider. These works would involve works to the roof and the façade, aimed at solving the water ingress problem with a view to affording an effective solution for the building.

In relation to the termite issue, again the problem is not new. On 25th August 2010, a report was submitted by the Environmental Health Officer to the Director of Education following concerns expressed by the head teacher on the possibility of a termite infestation at the school.

1710 In 2011, COPLAGA was engaged to carry out specific termite treatment. The problem, however, was not eradicated.

1715 In October 2012, Bug Busters were engaged to carry out the following treatment: drilling, injecting and rendering of four termite cords; treatment of an area approximately 2 metres squared; investigation and treatment of two cabinets. The problem again appears not to have been eradicated as a result of this treatment.

In view of this, an in-depth intrusive survey to gauge the extent of the infestation has been commissioned to identify the extent of the infestation and damage, and to propose a course of action to obtain a long-term desired eradication of the problem.

1720 *Technical fault resulting in negligible loss of audio.*

1725 **European Arrest Warrants**
Details of warrants received in Gibraltar

Clerk: Question 1066, the Hon. D A Feetham.

1730 **Hon. D A Feetham:** Can the Minister for Justice please state: (a) how many European Arrest Warrants have been received in Gibraltar for each calendar year in the last four years up to 30th November 2012; (b) how many of those European Arrest Warrants resulted in an extradition, and the offence alleged to have been committed; and (c) how many were rejected by the courts and how many were rejected by the Central Authority, and on what basis?

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

Schedule to Question 1066 of 2012

(a)

Year	Number of European Arrest Warrants Received
2009	6
2010	2
2011	9
2012 (Up to 30/11/12)	5
Total 22	

(b)

Number of EAWs which resulted in extradition	Offence alleged to have been committed
1	Conspiracy to defraud and money laundering
1	Supplying controlled drugs
1	Possession of indecent photographs of children
1	Drug trafficking offences
1	Theft and fraud
1	Importation of drugs
1	ABH and indecent assault on a male under 14
Total 7	

(c)

Number of EAWs rejected by the Courts	0
Number of EAWs rejected by the Central Authority These EAWs were rejected because the warrants failed to comply with a provision(s) of the European Arrest Warrant Act.	9

Note: 6 EAW's have not been executed because the person has either been arrested elsewhere or is in prison in Gibraltar or is the subject of criminal proceedings in Gibraltar.

Hon. D A Feetham: Just on the failure... on the rejection of the warrants, the answer that you have provided in the schedule is that nine were rejected because the warrants failed to comply with the provisions of the European Arrest Warrant Act. Does the Hon. Minister have any more information than that? What kind of non-compliance with the Act are we dealing with? Is it a simple question of translations not being provided with the European Arrest Warrant? I know from my time that that was a common ground why they were rejected, but of course rejection on that ground invariably means just that the warrant is then reissued with a translation.

Does he have any more details? If he does not, I will not press him.

Hon. G H Licudi: Mr Speaker, I do not have those details with me now, but I do note that the total rejected by the Central Authority were nine, and we have only had five European Arrest Warrants received in 2012. So some of these rejections clearly relate to the time when the hon. Member was in office as Minister for Justice. Assuming that the whole of the five of the 2012 had not been rejected, then certainly more than four or five.

I do not have the specific information about the reasons for rejection. If the hon. Member wants, I am happy to obtain the information for him.

Hon. D A Feetham: I am much obliged to him, yes.

**European Arrest Warrants
Average processing times**

1770

Clerk: Question 1067, the Hon. D A Feetham.

1775

Hon. D A Feetham: Can the Government please state what is the average time between receipt of a European Arrest Warrant by the authorities in Gibraltar and (a) its acceptance or rejection by the Central Authority; and (b) any order of the Court?

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

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Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, between January 2009 and 8th December 2011, the average time between receipt of a European Arrest Warrant by the authorities in Gibraltar and (a) acceptance by the Central Authority was 27 days; (b) rejection by the Central Authority, 68 days; (c) Order of the Court, 37 days.

1785

Since December 2011, the average time is (a) acceptance by the Central Authority, three days; (b) rejection by the Central Authority, 10 days; (c) Order of the Court, 11 days.

Hon. D A Feetham: I would be very obliged if the hon. Gentleman were to allow me a copy of the answer, if at all possible. Thank you very much.

1790

**Legal Aid
Payments to law firms and barristers**

1795

Clerk: Question 1068, the Hon. D A Feetham.

1800

Hon. D A Feetham: Can the Government give a breakdown of the amounts paid, since 9th December 2011 to date, to each law firm or barrister in respect of Legal Aid and legal assistance, giving a breakdown by firm and showing what are legal fees and what are disbursements?

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

1805

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, monthly statistics in respect of Legal Aid and legal assistance, giving a breakdown by firm or barrister and showing what are legal fees and what are disbursements, are published online on a monthly basis on the Government of Gibraltar website. The figures are available online from 18th June 2011 to 30th November 2012.

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Hon. D A Feetham: Do you have no update since 30th November of this year? Obviously, I am aware that... I am asking for up-to-date...

The last time that I asked a question in relation to Legal Aid, the Hon. the Minister and I had an exchange in relation to Legal Aid in respect of one case in particular. Is the position of the Government still to continue not publishing that information?

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Hon. G H Licudi: I am not sure which specific information the hon. Member is referring to. If he is talking about the amounts paid in Legal Aid, my understanding is that those amounts appear in the monthly statistics, which are published online.

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Hon. D A Feetham: I will talk to the hon. Gentleman outside, because I know there is some sensitivity in relation to this. I will explain it, and I will deal with it with him in the lobby.

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1830

Recess

Clerk: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, may I move now that the House do recess until 3.00 p.m.

1840

Mr Speaker: The House will now recess to 3.00 p.m., when we shall be dealing with Questions to the Minister for Tourism, Commercial Affairs, Public Transport and the Port, and Questions to the Minister for Equality and Social Services.

The House recessed at 11.17 a.m. and resumed its sitting at 3.00 p.m.