



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.00 a.m. – 12.35 p.m.

Gibraltar, Thursday, 15th March 2012

The Gibraltar Parliament

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The Parliament met at 9.00 a.m.

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

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

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Clerk: Mr Speaker.

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PRAYER
Mr Speaker

Order of the Day

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Clerk: Meeting of Parliament, Thursday, 15th March 2012.

1. Oath of allegiance.

2. Confirmation of the minutes of the last meeting of Parliament held on 15th and 16th February 2012.

Mr Speaker: May I sign the minutes as correct? (*It was agreed.*) Thank you.

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Clerk: 3. Communications from the Chair.
4. Petitions.
5. Announcements.

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Papers laid

Clerk: 6. Papers to be laid: the Hon. the Chief Minister.

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Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table a statement of Supplementary Estimates No. 1 of 2010/2011.

Mr Speaker: Ordered to lie.

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Clerk: The Hon. the Deputy Chief Minister.

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to lay on the table the Air Traffic Survey Report 2011.

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Mr Speaker: Ordered to lie.

Clerk: 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: I have the honour to lay on the table the report and audited accounts of the Gibraltar Heritage Trust for the year ended 31st March 2011

Mr Speaker: Ordered to lie.

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Clerk: Reports of Committees.

Questions for Oral Answer

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Clerk: Answers to Oral Questions.

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TOURISM, PUBLIC TRANSPORT AND THE PORT

Bus fleet Plans for replacement

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Clerk: Question 233 of 2012, the Hon. S M Figueras.

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Hon. S M Figueras: Good morning, Mr Speaker.
Can the Government confirm to this House whether there are any plans for the timely replacement of the current bus fleet as and when this becomes necessary?

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

85 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. The Government is currently formulating a strategy for the replacement of the current bus fleet with more environmentally friendly vehicles.

The study is currently in its early stages and the Government will announce its programme when it is in a position to do so.

90 **Hon. S M Figueras:** I am grateful to the hon. Gentleman for the answer.

Is the hon. Member able to provide us with a time estimate of when they are expecting to be in a position to publish details?

95 **Hon. N F Costa:** Well, Mr Speaker, in reply to the hon. Gentleman's question, this would not be a decision taken solely by my Department. It would be a decision taken jointly between myself and the Minister for the Environment, Dr John Cortes, so it will be a question of working together on that.

We have already requested from the relevant officials the various options that can be put forward. I know that Dr John Cortes has also asked his officials to put forward their proposals, and we will be in a position to better provide a timeframe in due course, but not just yet.

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Hon. S M Figueras: I am grateful, Mr Speaker.

Perhaps the Hon. Minister can also provide this House with details of the sort of vehicles, the *[inaudible]* indeed that they are looking at as options for the bus fleet here in Gibraltar?

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Hon. N F Costa: Yes, Mr Speaker, those are the options that we are looking into and those are the ones that... what the hon. Gentleman has just asked: those are exactly the questions we have put to the officials, and those are the replies that we are waiting for.

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Hon. S M Figueras: Mr Speaker, I anticipate that it is far too early for the Hon. Minister to give us an estimate of the costs envisaged for the project.

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Free bus travel Eligibility

Clerk: Question 234, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether free bus travel will be exclusively available to Gibraltar ID card holders other than non-resident workers?

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

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Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker. I can confirm that free bus travel will be exclusively available for residents of Gibraltar and those holding Gibraltar ID cards, other than non-resident workers on all bus routes operated by the Gibraltar Bus Company Ltd, with the exception of Route 5.

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Hon. D J Bossino: In relation to those residents of Gibraltar who do not hold Gibraltar ID cards, how does the Government propose to establish the residency requirement?

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Hon. N F Costa: Yes, Mr Speaker, that is one of the matters that we are looking into. We have requested the relevant employee in the bus company to provide us with different alternatives. We will certainly be able to make an announcement on that before 1st May, when the free bus travel regime will commence.

**Free bus travel
North Front route**

140 **Clerk:** Question 235, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether bus travel is now free for pensioners travelling on the North Front route?

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

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): Mr Speaker, bus travel is not currently free for pensioners on Route 5.

150 **Hon. D J Bossino:** The reason why I ask this question is because, as I understand it, there is a manifesto commitment (**Hon. N F Costa:** Yes.) to provide free bus travel for pensioners and can, therefore, the Minister give some sort of timeframe in which this will be implemented?

155 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct.
There is a manifesto commitment but, as the hon. Gentleman is aware, Route 5 is operated jointly with a private operator, Calypso, and therefore we could not proceed fairly to simply make free bus travel for pensioners on the Gibraltar Bus Company buses because, of course, that would have probably led to arguments of unfair competition from the private operator.

160 So we have already had two meetings with the private operator and we hope to be... We very much expect to be in a position to make an announcement, again before 1st May, when the free bus regime will come into effect.

Hon. D J Bossino: In relation to pensioners, will there also be a residency requirement?

165 **Hon. N F Costa:** Yes, Mr Speaker.

**Free bus travel
Non-resident workers**

170 **Clerk:** Question 236, the Hon. D J Bossino.

175 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise when the Government decided to make the bus service available on a free basis to non-resident workers?

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

180 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.
The Government took the decision to make free bus travel exclusively available to residents of Gibraltar and those holding Gibraltar ID cards, and non-resident workers on all bus routes operated by the Gibraltar Bus Company Ltd, with the exception of Route 5, at the meeting of Cabinet held on 13th February 2012.

185 The Gibraltar Bus Company Ltd will only issue the bus cards to those applicants that the Department of Social Security confirms to the company are completely up to date with their social insurance contributions. The Cabinet agreed not to make the announcement as to the position of non-resident workers until the Chief Minister had met with the Mayor of La Línea, whom he was scheduled to meet some 10 days later.

190 Consequently, at the meeting held on 24th February 2012, between the Hon. the Chief Minister and the Mayor of La Línea, the Chief Minister informed the Mayor that, in keeping with the positive relations between Gibraltar and La Línea that the Government is keen to promote, the Government had decided to extend this free service to cross-frontier workers on production of proof that they had a valid contract of employment registered with the ETB and that the payments in respect of social security are up to date.

Therefore, this will also serve to ensure that cross-frontier workers should appreciate the advantages of registering their employment in Gibraltar.

195 **Hon. D J Bossino:** The Minister will appreciate why I sometimes get nervous when a Government announcement is not preceded by a press statement and the usual attendant fanfare, with GBC interviews and the like. I find it surprising to say the least that Government took a decision, purposefully, to hold back that decision, and the announcement of that decision, for 11 days, between 13th February, when it was decided collectively and when it was announced to the press at the meeting of La Línea Mayor on 24th February. I can
200 already sense there is some ruffling of feathers there.

But can the Minister confirm that the first time this was publicly announced was at the press conference with the La Línea Mayor at the Chief Minister's Office on 24th February?

205 **Hon. Chief Minister:** Mr Speaker, given that the decision not to make the announcement related to my desire to make, first of all, communication with the Mayor of La Línea, and then to announce it in the press conference after that, I think it is incumbent on me to rise to answer that supplementary.

In fact, Mr Speaker, the position is exactly as set out. I thought it was appropriate to speak to Miss Araujo face to face first and make the announcement at the press conference after the meeting with her. I think that
210 was entirely the correct thing to do, with the attendant bells and whistles and fanfare in the press conference thereafter. *(Laughter)*

Hon. D J Bossino: The reason why I strongly suspect that this announcement was made almost on the hoof, is because despite the party opposite now in Government always announcing over the last 15 years that they produce very detailed manifesto commitments, it is not set out in the GSLP's manifesto before the
215 election as a potential Government commitment. All that the manifesto says is that:

'we will make bus transport free only for residents of Gibraltar and those holding Gibraltar ID cards.'

220 So is this not a case of the Chief Minister being all things to all men? *(Interjection)* For the Gibraltar public, he produces his nationalistic card, but then the first meeting he has with a Spanish politician – especially, a local politician across the way – he wants to make a positive sounding message to her. Is this not a case of being all things to all men?

225 **Hon. Chief Minister:** Mr Speaker, *(Interjection)* it is not such a case. It is not such a case.

I know that the hon. Gentleman and all of his colleagues are grasping at straws and trying in every possible way to think of something which they might say in these early days of this refreshing and positive administration, that has finally cleared the decks of the 16 years of malfeasance that we have had to experience before.

230 But, Mr Speaker, let me be very clear to the hon. Gentleman: if everything that we are going to do in the next four years had to be set out in our manifesto, our manifesto would be even longer! It would be as long as a telephone directory!

The manifesto is only, Mr Speaker, the *headlines* of what this Government is going to achieve in the next four years. *(Interjections)* There is *much more to come*, Mr Speaker. And *if* every time that we hit the jackpot and we do the right thing, the hon. Members opposite are going to say that we are going to be all things to all men, well, Mr Speaker, they will be saying that for the next four years, because we intend to continue hitting the jackpot, we intend to continue doing the right thing and we intend to win the next election, too!
235 *(Applause)*

240 **Hon. D J Bossino:** Well, questions should not be a pretext for a debate, but certainly answers seems to be a pretext for a party political broadcast. *(Laughter and interjections)*

Well, you know this is a fresh... the Chief Minister realises that this is a –

Mr Speaker: Order. Order.

245 **Hon. D J Bossino:** – fresh pair of hands and I have a fresh outlook to politics, but in fact it was not only in the Government manifesto where they did not announce this. When they had an opportunity on 18th

February, the Saturday *Chronicle*, again, they announce in headlines:

250 'Free buses for residents *only*.
As from 1st May 2012 free bus travel will be allowed on all routes, except route 5, for residents of Gibraltar and those holding Gibraltar ID cards.'

255 At that stage, *at that stage*, Mr Speaker, the Government had already announced collegiately, one assumes, to in fact make it available to non-resident Spanish workers. Why is it that they did not, when there was a public announcement, they did not take the opportunity of announcing this to the people at large in Gibraltar? (*Interjection*)

260 **Hon. Chief Minister:** Mr Speaker, exactly for the reason that I gave when I first rose to answer his supplementary.

265 Mr Speaker, he is *wrong*. We are not making policy on the hoof. We did not decide to do this when I met Miss Araujo and I will tell him when he will know that he is wrong – and when he will, I hope, apologise to me. In twenty years' time, when the Minutes of the Cabinet are published for 13th February, (*Laughter and Interjections*) he will see that the decision was made then. He will buy me a coffee and he will say, 'I am sorry I doubted you.' (*Interjections*)

Clerk: Question –

270 **Hon. D J Bossino:** Yes, no, that...

I will gladly buy him a coffee when we are both 60 years of age.

275 Mr Speaker, why is it *again*, when there is a further opportunity to announce this wonderful policy that the Government has come up with, re workers from La Línea and workers from Spain, on 6th March, in the *Chronicle*, post the meeting with Señora Araujo the Government says:

275 'From 1st May 2012, the bus travel in Gibraltar will be allowed on all routes except for number 5 for all residents of Gibraltar or those holding a Gibraltar ID card.'

280 *Again*, the nationalist card. Why is it he did not announce it, then, in the context of that press statement, Mr Speaker?

280 **Hon. Chief Minister:** Mr Speaker, I am very grateful that he recognises that the nationalist card is mine and not his. (*Laughter*)

Mr Speaker, I have much more academic respect for the hon. Gentleman opposite when we were together in school than I have political respect for him in this House.

285 I have already answered the question, Mr Speaker. The decision was taken that we should have a conversation with Miss Araujo across a table and announce to her first, before announcing anything in the media.

290 As to how we make our announcements thereafter, well, Mr Speaker, I am delighted – if the hon. Gentleman wants to step down – to take him on as a person to assist us with drafting press releases but, until he does that, it is up to *us* to decide what goes in a press release and how we express it. I know they must be jealous because ours were obviously more successful in the past four years than theirs, because ours put us here and theirs put them there!

295 **Hon. P R Caruana:** Mr Speaker, does the hon. Member not recognise that this is not about winning jackpots or precisely when the decision was made or why he made it? Personally, I think if he wants to make a decision which is primarily of benefit to residents of La Línea, there is a certain logic in waiting until he is in La Línea to announce it. I might have made a similar decision. But doesn't he understand that the real issue here is not that at all? The real issue is that he has done the opposite of what he said in his manifesto that he would do. This is not about striking jackpots. It is not about where you announce it, or when you announce it, or even when you made the decision. The fact of the matter is that in his manifesto he commits to the electorate to introduce this *only* for residents of Gibraltar, and within a month or two he is doing it for people who are *not* residents of Gibraltar and, therefore, this is not about doing something which is not in the manifesto, because not everything that you do can be in your manifesto. Of course, governments are not

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305 *limited* to doing only what is in their manifesto, but normally there is a political price to pay when you say in your manifesto that you are going to do something and you do something different – you do the opposite of what you say in your manifesto.

Does the hon. Member not recognise that the use of the word ‘only’ in his manifesto and in his [*inaudible*] public statement would legitimately have led people to believe that this would *not* be available to non-residents and that, in fact, he has done the opposite of that? He has made it available for non residents.

310 By the way, I am not saying that I disagree with the decision. Simply that it is incumbent on the hon. Member to explain, publicly, not when he does something which is not in his manifesto, but when he does something which contradicts what he committed to in his manifesto.

315 **Hon. Chief Minister:** Mr Speaker, talk about wanting to be all things to all men: I am going to criticise what you have done and ask you questions about it, but I am not going to say that I am against it. The hon. Gentleman and the team opposite are making a spectacle of trying to be all things to all men.

Mr Speaker, the meeting was not in La Línea. This meeting was in Gibraltar, but as Miss Araujo is the representative of the people of La Línea, I thought it was appropriate to tell her, as I have said to the hon. Gentleman opposite.

320 Mr Speaker, what ill was the pledge in the manifesto trying to cure? I will explain to him, Mr Speaker, what ill it was trying to cure.

325 The decision made by *his* administration to allow free bus travel to all and sundry on our buses which meant, Mr Speaker, that the buses were being used almost as tour buses which meant, Mr Speaker, that tour guides were going on board buses and going round showing people the sites which meant, Mr Speaker, that buses had to carry the nonmenclature ‘full’ on the top and bus drivers were telling residents and others who wanted to use the bus, ‘Sorry, this bus is full. We are doing *a tour*.’

Well, Mr Speaker, that ill has been cured and the hon. Gentleman is right, we have gone further than our manifesto provides, and not just in respect of that clause, Mr Speaker. We will go further in respect of many others also.

330 Mr Speaker, what we have done we believe is the right thing to have done in the circumstances of introducing the new policy. We will defend it politically. If all the hon. Gentleman can do is to try and cross examine on the basis of one word here or one word there in a political document, as if it were a legal document, then we are not going to get anywhere.

335 **Hon P R Caruana:** Well, Mr Speaker, it is not a question of going further. Does the hon. Member not accept that it is a question of doing the opposite and the word ‘only’ is not just a single word? When you say you are *only* going to do A, and then you do B and C, and B is the opposite of A, to then describe the use of the word ‘only’ as semantics is simply an unrealistic approach to political realities and political debate.

340 Mr Speaker, flowing from the answer that he has given, does the hon. Member not acknowledge that the ill that he thought was the case – that all and sundry coming from Spain were using our buses free – had, in fact, been cured by an arrangement that we had introduced to introduce the bus club card, which *they* have cancelled and which would have eliminated this problem?

345 My supplementary, therefore, is this: is the hon. Member satisfied, and has he taken legal advice which leaves him confidently of the view that EU rules permit him to charge one category of EU citizens for the use of buses and not others?

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

350 **Hon. P R Caruana:** Would the hon. Member be willing to share that privately with me outside of this House... that advice, sorry?

Hon. Chief Minister: Mr Speaker, I have absolutely no difficulty in the hon. Member responsible sharing that advice with the hon. Gentleman privately outside of this House.

355 **Hon. P R Caruana:** I would be very grateful, Mr Speaker, because I will then privately share with him the reason why I am asking him if he would privately share what he has now received with me.

Further, Mr Speaker, will the hon. Member acknowledge that... I think I have understood the Hon. Minister, and perhaps this supplementary is better addressed to him, that the criteria for when cross-frontier

360 workers will be eligible for free buses includes amongst other things whether they are up to date with Social
Insurance Contribution payments. Given that Social Insurance Contribution payments are paid by the
employer and not by the employee and that if there are arrears of Social Insurance Contribution, given that
this is withdrawn from the pay packet like PAYE and that this is administered entirely by the employer, has
the hon. Member considered the implication of the employee's eligibility to what is a citizen's right and not a
365 worker's right, namely free bus travel being, in effect, in the gift of the employer because if the employer
chooses to fall into arrears with Social Insurance Contribution in respect of one or more employees, then that
one or more employee will, according to what he has said this morning, have forfeit the right to free bus
travel?

Hon. Chief Minister: Mr Speaker, it is an issue that we have considered together and that is why I think it
370 is appropriate that I rise to deal with the question, for the simple reason that the hon. Gentleman is right. It is
very often the case that employers are either in arrears by agreement, in the sense that they pay at the end of a
particular period, say, two months instead of at the end of a month and there is some sort of understanding or
they are in arrears, full stop and it would unfair to say that just because an employer is in arrears that the
employees will not be able to take advantage of obtaining this permit.

375 Nonetheless, Mr Speaker, you would not expect us to say that employees will be able to have this bus pass
whether or not they are in arrears of Social Security. What we are trying to do is to use this also as a
secondary check to see exactly where people are and to promote the fact that the employee will be triggering
that Social Security issues may be there and then we have to take a view. We are not going to prevent an
individual who is properly registered in Gibraltar for employment from having a permit just because their
380 employer may not be completely up to date.

Hon. P R Caruana: Well, Mr Speaker, that is slightly more sensible in the sense that, first of all, I think it
is a jolly good thing to have a greater number of checks on whether people are in good standing in the public
administration in terms of that, and if access to a free public service provides the opportunity, I think that that
385 is something worth exploring. But I think it should go no further, would the hon. Member agree, in terms of
fairness that it should be a question of registration?

An employee has it in his gift to ensure that he is registered with the ETB as an employee. Thereafter, the
rest of it is not in his gift. It is up to the public administration in respect of a registered employee of whom it
therefore has notice to pursue the employer for payment of taxes. So the employee's eligibility to public bus
390 service, would the hon. Member agree, should be conditional on him being *registered*, not on payment of tax,
because the Government always has the means in respect of *registered* employees to pursue the employer?

The problem, which is where I put it to the hon. Member if what he proposes is sensible, is in respect of
unregistered labour, where obviously you do not have the opportunity to pursue the employer and that is
where it is sensible. I would ask the hon. Members to consider leaving it at registration, rather than up-to-date
395 for Social Insurance Contribution.

Hon. Chief Minister: Mr Speaker, that would be the substance of what we do, but the form of it must, I
think, continue to be that people should be registered and up to date. He will know, Mr Speaker, from his own
experience on this side of the House, that this manifests itself sometimes in respect of residents when people
400 turn up for Healthcare, which they are otherwise entitled to, and they are sometimes told, 'Hang on a minute.
You are not registered for Social Security or your Social Security payments are not up to date', and that is
sometime a useful check. But the substance will be as the hon. Gentleman has described it.

Clerk: Question 237 –

405 **Mr Speaker:** I think the Hon. Damon Bossino has a question.

Hon. D J Bossino: Just as a very minor point of clarification, perhaps the Minister for Transport can
answer this question.

410 Presumably, it is open not only to *Spanish* non-resident workers, it is open to all nationalities, or is there
any qualification there in relation to EU nationality?

Hon. N F Costa: No, Mr Speaker, it is open to any nationality that is resident in Spain and working in

Gibraltar. (*Interjection*)
EU nationality. Yes.

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Hon P R Caruana: Anyone who comes to Gibraltar to [*inaudible*].

Hon. D J Bossino: So, yes.

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Hon. Chief Minister: For the purpose of clarification. The hon. Gentleman has said those workers of Gibraltar resident in Spain, of whatever nationality...

It is possible there are people who are not necessarily resident in Spain who are registered here as workers and come in. They might fly in, because of particular arrangements with their employer, from London for particular periods of time. That person would also be entitled, if they are registered for employment here, to take the advantage of the service and it is whatever the nationality. It does not have to be a European nationality.

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Hon. D J Bossino: Does it not have to be EU nationality?

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Hon. Chief Minister: No, because it is based on registration and work in Gibraltar, not on nationality.

Hon. D J Bossino: In other words, a US national, flying from London, would benefit from that so long as he is registered to work in Gibraltar?

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Hon. Chief Minister: Yes, it is slightly far fetched in the hon. Gentleman's example, but it is possible you could have a US resident working for a financial services institution in London who flies to Gibraltar once every two weeks and spends five days here, who is properly registered to work here, who, if he were interested in not using the GibiBikes and wanted to use the bus system, for example, would be entitled to. It is based on somebody working here and being registered to work here.

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Hon. P R Caruana: Mr Speaker, presumably when the hon. Member said 'identity card' he was using that phrase loosely – not just a red card, which is the civilian registration card as well. So it is not just Gibraltar belongers?

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Hon. Chief Minister: That is right.

**Government of Gibraltar Bus Company Ltd
Claim for unfair dismissal**

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Clerk: Question 237 of 2012, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port inform the House whether the Government *or* the Gibraltar Bus Company Limited received any legal advice before instructions were given to drop the defence of the unfair dismissal claim by Mr Sardeña against the Gibraltar Bus Company Ltd?

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

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

May I also add that, whereas the hon. Gentleman and I have had a debate on this in the press, we have been careful, I think, to steer clear from the merits or demerits of the case in question, and because the case is *sub judice*, any comments that I may make in respect of the merits are likely to impact on the case, so I would ask, therefore, that if he has any questions on the specifics of the case he asks me *after* the case is over, of course, and not whilst it is in trial.

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470 **Hon. D J Bossino:** Can I just ask, is the case not already over, given the fact that the Gibraltar Bus Company has withdrawn the defence of the substantive case?

Hon. N F Costa: Mr Speaker, I know the hon. Gentleman likes to read my press statements because when I do not make any he does miss them and he does ask me about them in this House.

475 As my press statement makes clear, it was not fair to say that the case of Mr Sardeña was close to finishing on the basis that our information is that *only* the Bus Company presented its case and Mr Sardeña, as I understand, did not give evidence or call in any of his witnesses.

Hon. D J Bossino: The issue is not at what stage the case had reached; the issue is that the Gibraltar Bus Company have withdrawn the defence. (*Interjection*) Sorry? (*Interjection*) Precisely. Therefore, there was a concession, in effect, and therefore the case was compromised.

480 As to asking questions in relation to statements made outside the House, I think, as a Member of this Parliament, I am entitled to ask Government Ministers to make statements *inside* this House. (*Interjection*) Mr Speaker, is it *sub judice*, or isn't it? If the Gibraltar Bus Company has withdrawn the defence, then –

485 **Mr Speaker:** The Minister has said it is *sub judice*.

Hon. D J Bossino: Well, I am just trying to enquire –

Mr Speaker: No, but he has said it is *sub judice*.

490 **Hon. D J Bossino:** He may have said that, but I am just making enquiries in relation to that. If there has been, in effect, a concession, and therefore compromised a claim, then there is no claim.

495 **Mr Speaker:** I think if the Minister has said it is *sub judice*, I am not sure this Parliament is entitled to explore what the state of the proceedings is – is it or is it not *sub judice*. That is the position of the Minister: it is *sub judice*.

Hon. P R Caruana: Mr Speaker, *sub judice* or not, will the hon. Member confirm that the Government has withdrawn the defence so that the employer is now not defending itself against the claim?

500 It cannot be *sub judice* for parliamentary purposes and not *sub judice* for public purposes. (**A Member:** Exactly.) The Government has said publicly that it has instructed to withdraw the case, so will the hon. Member confirm that the position, therefore, is that the employer has withdrawn its defence in the claim against it by an employee and that therefore the employee is *bound to win* an undefended case?

505 **Hon. Chief Minister:** No, Mr Speaker. I hesitate to rise to give the hon. Gentleman any lessons in law. I know that he does not have much respect for my knowledge of the law, but I have plenty of respect for his, so I am sure that he can make up his mind for himself.

It is very clear, Mr Speaker, the Bus Company has already, as the hon. Gentleman has said, presented its defence. The Bus Company has now withdrawn that defence. The matter is still before the Industrial Tribunal.

510 There is a judge of the Industrial Tribunal appointed. We must leave it up to him to now decide the issue going forward. There are plenty of other issues which are still to be decided, judicially or quasi-judicially, and we should not, Mr Speaker, in my view, go any further in this House because there are rules in this House as to what we can talk about. There are no rules about what we can talk about outside and what announcements we make outside.

515 **Hon. P R Caruana:** Mr Speaker, with respect, the hon. Member is being a touch disingenuous.

520 If there are issues that still require judicial determination, given that the hon. Members have used their governmental ministerial powers to instruct the directors of the company to withdraw the company's defence, does the hon. Member not agree that the natural consequence of a defendant withdrawing his defence is that the case against the defendant is bound to succeed – unless, of course, the claimant withdraws the claim, too – so that, unless the claimant withdraws the case, the only judicial questions that can remain to be answered are the question of damages or the question of costs?

Mr Speaker: Order! Order!

525 As the Hon. Leader of the Opposition has said, there is a question of damages. That clearly is a pending proceeding. Therefore it is – (*Interjection by Hon. P R Caruana*) No, with respect, it is a pending proceeding and therefore it is *sub judice*.

530 I have no other understanding of the word ‘*sub judice*’ in our parliamentary context. It is a pending matter. As the Hon. Leader has himself conceded, there may be a matter of damages pending. It is a pending proceeding.

Hon. P R Caruana: But we are not asking about that.

535 **Hon. Chief Minister:** Mr Speaker, can I please only just add to what you have said: that although I will not rise to answer the question that the hon. Gentleman has put – in particular, given what Mr Speaker has rightly said, in my view – we will not accept any of the implicit aspects of his question.

Because the matter is *sub judice*, we do not want it to be read into the fact that I am not saying anything in answer to the question, that we are accepting any part of the question, if that is appropriate, Mr Speaker.

540 **Hon. D A Feetham:** Mr Speaker, may I ask the Chief Minister why the original question by my hon. Friend, Mr Bossino, which asks about whether the Minister obtained legal advice before he took the steps that he took, why that impacts on the *sub judice* rule? Surely it does not.

Hon. Chief Minister: Mr Speaker, I do not think anybody has suggested that.

545 **Mr Speaker:** No. With respect again, a question was posed and the answer was ‘Yes, sir.’ So the answer was given to the question.

550 The question as it was posed did not give rise, in my view, to any *sub judice* issue, whether legal advice was taken, and the answer was given clearly, unequivocally, as yes, legal advice was taken. The line of questions since then has led me to conclude that the *sub judice* rule *would* be invoked.

Hon. P R Caruana: Yes. Well, Mr Speaker, on a point of order, can we just spend a few moments on this so-called *sub judice* rule?

555 There is no rule to the effect that is being relied on. The *sub judice* rule does not mean that you cannot allude to matters that are *sub judice*, blanket; it means that you cannot allude to them in a manner which is prejudicial to the interests of the parties. They are very different things. (*Interjection*) Yes, but the Chair and some of the Members from across the floor have invoked, or have purported to invoke, the *sub judice* rule as if it meant that you could not even ‘mention the war’ because there was a case on. The *sub judice* rule, hon. Members will find at Standing Order 45.(4), and it reads:

560 ‘(4) References shall not be made to any matter on which a judicial decision is pending, *in such a way as may prejudice the interests of the parties thereto.*’

565 To ask the hon. Members to confirm in this House what they have already said publicly – namely that they have instructed the directors to withdraw the defence – cannot possibly be a reference that prejudices the interests of the parties hereto, and I think it is important, if the rights of the Opposition to hold the Government to account in this Parliament is going to be more restricted than the rules of debate in Government press releases allowing GBC, that the *sub judice* rule is properly understood, properly interpreted and properly adjudicated on from the Chair.

570 **Hon. Chief Minister:** Mr Speaker, if I may assist the House on this point of order, the hon. Gentleman is entirely wrong because there is a rule, 17.(1)(xiii), which deals specifically with Question Time as well, which talks about:

575 ‘a question shall not reflect on the decision of a court of law or to be so drafted as to be likely to prejudice a case under trial.’

– and of course, in our view, Mr Speaker, the employment tribunal is acting as a court of law.

Secondly, Mr Speaker, in respect of rule 45, where the hon. Gentleman talks about those issues and whether comment here should lead to something being said which might be prejudicial to the interests of any

580 party, he has to understand, Mr Speaker – and I think his analysis has not extended to this – that, in this instance, we are not talking about a case where Mr A is suing Mr B and we are having a debate about it here. In this case, one of the parties is a publicly funded Government wholly-owned company so, therefore, Mr Speaker, we are one of the parties, or we represent one of the parties. The Bus Company is a wholly-owned Government company, Mr Speaker, as the hon. Gentleman knows. Therefore, having any further comment amounts to the shareholders' representatives in respect of one of the parties in that tribunal making comment about things that are happening, or may happen, in that tribunal, and that, Mr Speaker, is exactly why the *sub* *judice* rule, in our view, bites.

585 In any event, Mr Speaker, the hon. Gentleman should know that we do not resile from our public press statements and, of course, we stand by them.

590 **Hon. P R Caruana:** Mr Speaker, my point of order has nothing to do with the discussion around this Sardeña case, nor about whether he is a shareholder or... If he is a shareholder, he should not be instructing directors. That is the first point that I would make. Shareholders should not instruct directors about how to conduct the affairs of the company. He cannot come to this House making a special case on the basis that they are shareholders.

595 *Because* they are shareholders of a company – it is a Government-owned company – they should be *more*, not less, accountable here, but that is the subject-matter of supplementaries. I am speaking to the Chair, Mr Speaker, on the question of my point of order, which is limited to the question of the reach of the *sub judice* rule, which struck me as being slightly exaggerated and being slightly abused in the way that it was being fielded in the discussion leading up to my point of order.

600 When I have done no more than read from Standing Order 45.(4), the hon. Member leaps to his feet to say the Leader of the Opposition is completely wrong because there is also a rule 17 so, of course, everybody is expecting him to read something which suggests, as he has just indicated, that the Leader of the Opposition is completely wrong. In fact, what he reads out is to suggest that the Leader of the Opposition is completely right, because even the one that he has just referred to, referring to questions, is in exactly the same vein:

605 'a question shall not reflect on the decision of a court of law...'

– in other words, we will not stand up here asking questions about whether the judgment of a court is right or is wrong –

610 '... or to be so drafted as to be likely to prejudice a case under trial;'

– which raises exactly the same considerations as:

615 '... in such a way as may prejudice the interests of parties thereto.'

620 It is exactly the same both under 17 and under 45. There is no *sub judice* rule in this House which prevents Members from asking questions about matters which are in the courts. They may not ask questions or debate about matters which are *sub judice* in a way which will prejudice the outcome or the interests of the parties, depending on whether you read 17 or 45. All I am saying in my point of order is because this is a curtailing right on the freedom of debate, it should certainly not be interpreted any more widely than the ordinary meanings of the words used in Standing Orders. That is the sole point I am making in this point of order.

625 **Mr Speaker:** The Hon. the Minister for Justice.

630 **Hon. G H Licudi:** Mr Speaker, the hon. Member, in setting out the point of order originally, says that there is nothing in the *sub judice* rule which prevents the Opposition from asking simply whether the Government has withdrawn the defence. That is the way the point of order was formulated, and he referred to Standing Rules and said there is nothing in the rules which prevents that particular question. It is not that question that has been objected to. In fact, that question has been answered. What has been objected to by the Government is that the hon. Member has actually gone further than that original question. What he has then said is that the withdrawal of the defence will *necessarily* lead to a particular conclusion. So what he has attempted to do subsequently is to explore what the likely conclusions of the case will be. In other words, explore the possible conclusions of the case, a case which is live, a case which is pending, a case which is still

635 before the Industrial Tribunal, where the chairman of the Industrial Tribunal has to reconvene the case to consider precisely the matters that the hon. Member is raising in this House.

Therefore we say that the hon. Member is wrong. He is *not* entitled to consider issues which go to the conclusion of a case, where that case is live. And, therefore, his point of order is wrong, Mr Speaker.

640 **Mr Speaker:** I take the point the Hon. Leader of the Opposition has made –
Oh, sorry, the Hon. Daniel Feetham.

645 **Hon. D A Feetham:** Yes, just to add this. There is an inherent inconsistency here, between the position of the Government in public and the position of the Government in this House. Look, if the matter is *sub judice* and the *sub judice* rule is applicable outside this House, as well as inside this House... So if a matter is *sub judice* one should not be commenting about it outside this House.

650 What the hon. Members are trying to do is use the *sub judice* rule inappropriately, in my view, and effectively made public statements *outside* this House, which are unchallenged, unless they are responded to by us in a press release, but then shield themselves by using the same principle from being asked questions in this House. That is an inappropriate use, in my view, of the *sub judice* rule.

Hon. Chief Minister: Well, Mr Speaker, I will tell him why on that point, and this point of order – which is now dragging into a debate – he is completely wrong. Very simply because he needs to read exactly what we say and not what he would like us to have said publicly.

655 In none of the public comment we have made, have we made any comment in respect of the merits of this case at all and that will continue to be the position.

Hon. P R Caruana: Mr Speaker, that is not strictly true. Will the hon. Member acknowledge –

660 **Hon. Chief Minister:** That is what you said –

Hon. P R Caruana: No, it is not strictly true.

665 **Hon. Chief Minister:** Point of order. The hon. Gentleman made very clear at the last meeting of the House, when he was getting very hot under the collar, that not only could we now not say that either of us were liars, but now we could not even, in the lexicon of his understanding of the rules, we could not even say that what we were saying was ‘not true’ because that amounted to saying that one or the other of us was a liar. So I invite him to reconsider how he puts that part of his final, I guess, intervention on the point of order.

670 **Hon. P R Caruana:** Mr Speaker, it is not strictly true, what the hon. Member has said. It is not strictly true that the Government has not commented in public on the merits of the case. They have gone... they have said, for example, things such as the costs were exceeding the likely value or damages involved in the case. (*Interjections*)

675 Mr Speaker, that is more relevant to the *sub judice* rule than anything we have said in here and, indeed, I have a question later on in the Order Paper which addresses this point, for which I am very happy to wait for.

680 But, Mr Speaker, I am very keen not to conflate, despite what the Hon. the Minister for Justice has said. I am very keen not to conflate, whatever may be the correct application of the *sub judice* rule to particular aspects of the questioning that had been developing on the bus case, I am very keen to keep that separate from the point I am making on the point of order, which is isolated from any particular debate, which is simply to point out to this House that my understanding of the *sub judice* rule, which I have tried to support from a reading directly of Standing Orders, was not consistent with what was beginning to emerge in the run up, both from the Chair and from the floor, which tended to give the listener the impression that because the Minister said it was *sub judice*, therefore it was *sub judice* and, because the matter is before the courts, therefore it is *sub judice* and, therefore, it cannot be the subject matter of any... That is not what... I believe that is not what the Standing Order says.

685 **Mr Speaker:** You see I understand the essence of the Leader of the Opposition’s point of order is the terminology in the Standing Orders which referred to – and I quote the words:

690 '... in such a way as may prejudice the interests of parties thereto.'

That is the essence. Right. The mere fact that there is a pending proceeding is secondary. The main issue is the rule arises only *if* references may prejudice the interests of the parties thereto. Listening to this line of questioning, the first question asked whether legal advice had been obtained and the answer was clear, unequivocal, yes, sir. There were further questions arising there. We then reached a certain stage when the Minister said – or the Hon. Chief Minister said – that there were still pending matters for proceedings and that he regarded a further discussion would infringe the *sub judice* rules.

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705 Sitting here where I am, I am not, other than my general knowledge of how legal proceedings proceed, I am aware that there is still a conclusion pending to that case, but I am not aware of other matters that might enable me to decide whether or not a discussion in this House may or may not prejudice the outcome of the pending matters. From that vantage point I have to accept that, if a Minister of the Crown stands up in this House and says, there are pending matters and that further discussion would infringe the *sub judice* rule, I would have to accept that as a fair and proper stance to take and call an end to the questions. I have no means of conducting an investigation right here and now as to whether or not a further discussion may prejudice the interests of the parties thereto, if I know that there is still a decision pending.

So, I would have to say that if the Minister for the Crown says – and I accept he will say it in good faith – that this is a matter which might infringe the *sub judice* rule, I will accept that.

710 **Clerk:** Question 238...

Hon. D J Bossino: I have further supplementaries, Mr Speaker. So on that basis –

Mr Speaker: As long as they do not infringe the *sub judice* rule.

715 **Hon. D J Bossino:** Well, this is the thing, I will ask the question and then, presumably, the Government Minister will say whether he can answer or not.

Mr Speaker: Yes. Well, certainly. Absolutely.

720 **Hon. D J Bossino:** Arising from the points of order discussion, I would ask the Minister for Transport whether the Gibraltar Bus Company will have *any* representation in the case from now on?

Hon. N F Costa: Yes, Mr Speaker.

725 **Hon. D J Bossino:** And presumably that representation will be in relation to the issue of damages – is that correct?

Hon. N F Costa: Mr Speaker, that is straying into the very debate that we have just had.

730 **Hon. P R Caruana:** Mr Speaker, why, to ask the... The hon. Members have already said publicly – *publicly* – without fear of prejudice to their case, that they have instructed the directors of the bus company to withdraw the company's defence to the claim for unfair dismissal. Therefore, how can it possibly be prejudicial to the interests of the Crown – not even the Crown, to this company, the Gibraltar Bus Company Ltd – for the hon. Member to be asked whether their representation is on the question of damages and costs? What else could it be on?

740 **Hon. Chief Minister:** Mr Speaker, we are not going to stand up in this House and list what issues may or may not remain live for the tribunal to consider. That, in my view, is to stray well beyond the *sub judice* rule into litigating the issues in this Parliament.

Mr Speaker, I do not accept the hon. Gentleman's interpretation during the course of the point of order that, as the representatives of the public, who are the shareholder in the Bus Company, we should have no influence over what its directors do. That appears to be the hon. Gentleman's interpretation (*Interjection by Hon. P R Caruana*) of what the position is (*Interjections*) of what the hon. Gentleman's position is, now that he is over there, but not what it was like when he was over here! (*Laughter*) Given his view, I suggest that the

745 hon. Gentleman writes to the director of the Bus Company and asks him the questions.

Hon. P R Caruana: If you free him to answer them honestly, which I doubt.

750 **Mr Speaker:** Order. Order.

Hon. Chief Minister: To say, from a sedentary position, that a senior civil servant, who is now the director of this Bus Company would do anything but answer a question honestly, when posed by the Leader of the Opposition in writing is to, perhaps, think of the regime he used to rule over, rather than the one that we administer for people today. (*Applause*) (*Interjection*)

755 **Hon. D J Bossino:** Given what *we* still describe as a smokescreen reason of costs, can the Minister advise this House how that legal representation in the Industrial Tribunal claim is being held. In other words, are you instructing the same lawyers who you instructed in relation to the, or rather before you withdrew the claim, or is it separate legal representation, or is it in house, is it the AG's Chambers, can he answer *that* question, Mr Speaker?

760 **Hon. N F Costa:** Mr Speaker, it would be the same solicitor that will be representing the Bus Company.

765 **Hon. D J Bossino:** Once again, the only substantive reply we have had in our debates in the press has been, as far as I am concerned, that there was a concern from the Government side in relation to costs, Mr Speaker. So, is the Minister satisfied that that issue is now resolved, despite the fact that you have the same representation which you claimed was the cause of the increase in costs.

770 **Hon. Chief Minister:** Mr Speaker, this is again straying into the live issues. The issue of costs, although it is not an issue which is as live in industrial tribunal cases as it is in Supreme Court proceedings, because the jurisdiction of costs is not there, is *relevant* to all these issues and we are not going to get into discussing them.

775 Mr Speaker, the hon. Gentlemen – and Lady – are keen to litigate this case in this Parliament, rather than allowing justice to take its course. We will not be drawn into that litigation. I do not know what it is that they have against Mr Sardeña, but as far as we are concerned, the matter is before the Industrial Tribunal and there it should be dealt with.

780 **Hon. P R Caruana:** Mr Speaker, if the hon. Member is of that view, why did he not just allow the case to run its course and allow the case to be decided on the merits between the claimant and the company, (*Applause*) rather than instruct the directors of the Company to withdraw a perfectly good defence in respect of a claimant who had been convicted for fraud in this very Industrial Tribunal case (*Applause*) – and is a well-known activist in the GSLP?

785 **Hon. Chief Minister:** What a disgusting way, Mr Speaker, to bring this Parliament into disrepute, to try and have a trial here, by his standards, of a man who is before another tribunal still with a claim that he has pending, as a result of the vindictive manner in which the hon. Gentleman opposite dealt with someone who was initially his supporter, and saw the light, and decided to become *our* supporter!

790 It is incredible to see the lengths to which the hon. Gentleman will go to punish people who do not support him. We will not, in this House, litigate the Sardeña matter. The hon. Gentleman no longer controls the purse strings of the Bus Company, he is no longer the Chief Minister of Gibraltar, *he* can no longer instruct the defence in that matter. The Government has said publicly why and what it has done and that is the position that we defend. (*Applause*)

795 **Hon. P R Caruana:** Mr Speaker, we are not interested in trying the Sardeña matter. We are interested in trying the hon. Members politically, for what we consider to be a political abuse of power, namely (*Applause and interjections*) a matter in which the current Minister for Employment represents Mr Sardeña in front of the Industrial Tribunal and the matter in which the current Chief Minister represents Mr Sardeña before the courts of Gibraltar. They then win political office and the first thing they do is instruct the Government owned company to withdraw the defence against their previous clients, in a way that exposes the company to a ruling

800 against it, where the merits are with the company and not with the claimant.
That is what we, what we are (Applause) holding the Government politically to account for. I am not interested in trials, Mr Speaker. If the hon. Members think that this matter is going to go away, that it is capable of going away simply because the hon. Member stands up in an over excitable mode and tries to suppress debate, the hon. Members had better think again. This matter is not going to go away!

805 **Hon. Chief Minister:** Mr Speaker, the only person who has ever tried to suppress debate is the hon. Gentleman when *he* was here as Leader of the House. *(Applause)* He needs to know, Mr Speaker, that No. 6 Convent Place is no longer a ‘star chamber’, where he used to decide, as judge, jury and executioner, the fate of anybody who did not support him.

810 He needs to be reminded that the political abuse of power is to spend 16 years giving grace and favour and cash to your best political supporters, many of them related directly or tangentially to Ministers!

815 He needs to remember, Mr Speaker, that the biggest political abuse of power in the history of Gibraltar was the funding, by the taxpayer, of the weekly political manifesto of the hon. Gentleman opposite, which blurred the distinction between the party and the state to such an extent, that the good government of Gibraltar and the basic tenets of democracy were imperilled! That is why *he* is sitting there and *we* are sitting here. *(Applause)*

820 **Hon. P R Caruana:** Mr Speaker, the hon. Member obviously does need to calm down. He is losing the plot, Mr Speaker.

825 I leave the hon. Member with two thoughts: firstly, it is no great shout to be proud about to have succeeded in unseating a government, that had suffered 15½ years of electoral attrition, by 280 votes! So every time the hon. Member announces, comfortably, that they have the confidence of the people of Gibraltar, please remember that they are probably the first party, the first Government in the political history of Gibraltar – the modern political history of Gibraltar, anyway, since after the AACR days – to have won their first term of office with less than 50% of the electoral vote.

The hon. Members do not enjoy the support of the majority of the electorate. *(Interjections)* The majority of the electorate...

830 Right. Well, Mr. Speaker, the hon. Member... If the Hon. Mr. Speaker is going to let the Hon. Chief Minister embark on a diatribe that has nothing to do with the subject matter of what we were discussing at the time, then he *should*, in the interests of even-handed debate, allow some margin to the Opposition.

Will the hon. Member acknowledge – and this is the second thought that I would like to leave him with –

Mr Speaker: Question, perhaps?

835 **Hon. P R Caruana:** Well, ‘will the hon. Member acknowledge...’ normally suggest that a question follows in the next few words. I cannot imagine how you could add to the words ‘will the hon. Member acknowledge’ in a way that does not constitute a question.

840 **Mr Speaker:** Yes, but then the hon. –

Hon. P R Caruana: Will the hon. Member –

Mr Speaker: Then the hon. Member did say *[inaudible]*.

845 **Hon. P R Caruana:** Will the hon. Member acknowledge, since he has pointed out to this house that Mr Sardeña used to be a supporter of my party and no longer is, that the reason for that may be precisely that we were not willing to deploy grace and favour on who was, at the time, a political supporter of the Government and that we lost his support for that reason?

850 **Hon. Chief Minister:** Mr Speaker, so much for settling down to the temperate marathon of four years of government.

Mr Speaker I want to tender an apology to you, on behalf of the Leader of the Opposition, because I think that he did not mean to take you on as he did when you asked him to ask a question. I think that he was, perhaps, himself a little over-excited.

855 Mr Speaker I do not acknowledge what the hon. Gentleman has suggested.

Mr Speaker: Next question, please

860 **Clerk:** Question 238

Mr Speaker: Order.
The Hon. Damon Bossino.

865 **Hon. D J Bossino:** Yes, I am grateful, Mr Speaker.
The Chief Minister made an allusion to our school days and I must say that his performance right now reminds me of that – of a school debate.

Now this is an issue, Mr Speaker, which is of grave public concern

870 *[Technical interruption]*

and, as an Opposition MP and as a member of this Opposition, I think I am entitled to probe the Government in relation to issues which are not only of grave public concern because people come and talk to us about these issues but also because it has been the subject of very lively debate in the press.

875 Now, if it is the subject of very lively debate in the press surely it ought to be the subject of a very lively question-and-answer session in this House, if we are going to respect the standing of this House in this community.

880 And the facts are these – and I would put this to the Minister for Transport – that the explanations he has given in relation to this matter, the decision being taken by the Government being informed by a cost cutting exercise, simply do not ring true when set against, Mr Speaker, when set against the other undeniable facts they have not engaged us in relation to these facts: which is that Mr Sardeña is a GSLP supporter; that both the Minister for Employment and the Chief Minister acted for him in one guise or another in relation to matters arising from that same claim; that Mr Sardeña was convicted of a conspiracy to defraud and the conviction was not overturned on appeal; there is then a win by the GSLP into government and, only after that, they instruct the directors of that company to withdraw the claim, so that Mr Sardeña, as claimant in those proceedings, is potentially entitled to claim the sky-is-the-limit damages – using the Minister for Employment’s words in the last session, in this house.

885 So, set against those facts which they have not engaged us on, in the press, set against those – and we think undenied facts – the cost explanation, the cost reason, for the withdrawal of the claim simply, Mr Speaker, do not ring true. I put that to the Minister and I am raising this because it is a matter of grave concern for the public at large.

890 **Hon. Chief Minister:** Mr Speaker, no-one has done more to raise the standing of this House in our community than we who are sitting on this side. We have finally brought real parliamentary democracy to Gibraltar, monthly meetings of the House, enabling the hon. Gentleman – who I think never switched on the AM frequency of the radio in the time that he was not elected in this Parliament (**Hon. D J Bossino:** I did.) or, if he did, he was not paying much attention, and I hope he was not, because he should have been paying attention to the legal work for which he was being paid at the time! – in order, Mr Speaker, to allow the hon. Gentleman to have opportunities like this, to come to this House, to ask questions. (**A Member:** Hear, hear.)

900 But, Mr Speaker, I must say to him, having a lively debate is not to have a debate as children have in school; it is important that we have lively debates. It is important that the debates not be staid and boring. It is important, Mr Speaker, however, to *listen* during the course of a debate.

905 It is important Mr Speaker that your ruling on *sub judice* will be respected, as much by Members opposite as it must be by Members on this side of the House. The hon. Member’s question now is to ask *entirely* about the merits – contrary to your ruling – and I am saying, Mr Speaker, that frankly, it beggars belief to hear an MP for the GSD complain that he does not have an opportunity to ask questions of a GSLP/Liberal Government. I put it to him, Mr Speaker, that he needs to recognise that, in the next four years, depending on when the election is called, there are likely to be 44 such meetings – more, Mr Speaker, than in the 16 years that the party whose manifesto he defended at the last General Election held!

I understand, Mr Speaker, that the Hon. Mr Bossano wants to make a point of order arising from the hon.

910 Gentleman's supplementary.

Hon. J J Bossano: Mr Speaker, I did not say, as the hon. Member claimed, that the law, in the case of industrial tribunals, provides that, in claims for damages, the sky is the limit. That is not the case, and that is not what I have said.

915 The reality is – as he should know, because he goes to many of these tribunals himself – is that the tribunal for many, many years had a provision that the basic award – which is the award that is handed over to somebody, even if he has lost no money, as a result of a dismissal – should be at least £2,200, at the discretion of the Chairman, and that is the only change that has taken place: the basic award.

920 The compensation, which is for the loss sustained, is unchanged and that is still subjected, not to the sky, but to a maximum of four years of the minimum wage or two years of the actual salary, whichever is the lesser of the two.

Hon. D J Bossino: Mr Speaker, does he have a point of order?

925 **Hon. J J Bossano:** Well, the point of order is that he claimed that I had said something different. He said I had said the sky was the limit in claiming damages. That is not what I have said.

I have not given him the explanation before, that I am giving him now, but it is an explanation that he does not need from me, because he knows what the law is as well as I do, and he goes to tribunals the same as I have done.

930 **Mr Speaker:** It is a point of rectification, more likely, but –

Hon. D J Bossino: Yes, but is it not the case that the effect is that what a successful claimant, as a result of the de-capping of the basic award, will now be the beneficiary of, is in effect a 'sky-is-the-limit' award, (Interjection) if the Minister for Employment wants to make a distinction between compensation and what is the basic award, yes, I understand that and I accept that.

940 But – I am maybe repeating myself – if you remove the cap from the basic award, then the effect of that is that the award in total, both arising from what the Chairman of the Tribunal may grant by way of basic award and what he may then grant by way of a compensatory award – two elements – will be that the award will be in effect, 'sky is the limit'. I have to correct the hon. Member: he did use those words specifically – and I am wondering whether he would concede that specifically – in relation to the basic award debate, question and answer session, that we had in the last session on 15th February.

945 **Hon. J J Bossano:** Mr Speaker, there has not been a limit to the basic award until it was introduced by Mr Montiel as Minister for Labour, and in all the awards since 1974, the awards in respect of the basic, whatever the theoretical sky may be, have never been more than 10% or 20% above the £2,200 and, therefore, there is no... On the basis of experience of 30 years of the operation of the tribunal, the theoretical limit of the sky is, in fact, not reflected in reality.

950 The damages... which is what he said I had said, is not what I had said. That is the point I objected to. The damages are limited already in the law, as they have always been.

Mr Speaker: I think we are now in danger of straying into discussion of what the law on compensation is. (Interjection by Hon. J J Bossano)

955 **Hon. D J Bossino:** But I do not think he has necessarily addressed the points I made.

I have conceded that maybe I have expressed myself incorrectly, if I have referred to it as damages. But maybe if I refer to it... to replace the word 'damages' with the 'award', which will comprise both the compensatory elements, which he may describe as damages, and also the basic award... in respect of which, given that there has been a de-capping of it, there is a sky-is-the-limit potential award which can be awarded in relation to industrial claims.

960 This is the only point I was making and he said so at the last session of the House when he told... In answer to a question posed by my hon. Friend, Mr Danny Feetham, he said:

'Now it is clear that they –'

965 – referring to the chairmen of industrial tribunals –

‘– can give more. They can now sleep at night, comfortable in the idea that the sky is the limit and they can give workers as much money as they want.’

970 Those were the Hon. Minister for Employment’s words, and not mine.

Mr Speaker: But, anyway, I think we are now straying into the realms of the law on the compensatory element.

975 **Hon. P R Caruana:** The point of order is that he did not say it was the sky is the limit – but he did say it, obviously...

Hon. J J Bossano: The hon. Member, when he is sitting down, is saying something that is incorrect.

980 He said that I had stated that the sky was the limit for damages. The basic award is not in respect of any damage. The compensatory award is in respect of damage. The £2,200 basic award has the sky as the limit since we introduced it in this House in 1974, when it said ‘it shall be not less than’ and therefore it has *always* been that the sky was the limit, except for a very short period.

985 Therefore, the point that I am making is if he wants me to speculate as to what is likely to happen... well, I cannot speculate, but I do not expect that anything is going to happen now that we have restored the position to what was happening before it was taken away.

Hon. D A Feetham: Mr Speaker –

990 **Mr Speaker:** The Hon. Daniel Feetham.

Hon. D A Feetham: Yes, I would like to ask a supplementary of the Minister for Tourism.

995 He said – and I apologise, I had not heard him the first time round – that he had obtained legal advice. Can he tell this House whether that advice was from the Attorney General’s Chambers or from a law firm in the private sector?

Hon. N F Costa: It was a law firm from the private sector, Mr Speaker.

Hon. D A Feetham: Can he identify that law firm?

1000 **Hon. N F Costa:** Mr Speaker, it was done on a *pro bono* basis, so it was at no cost to the Government.

Hon. D A Feetham: Well, whether it is *pro bono* or not is irrelevant. The advice has been given.

1005 He should know, as a lawyer, that they are as liable for advice given, whether they charge or not. Now, can he identify the firm that provided the advice?

Hon. N F Costa: Mr Speaker, the reason why I said it was *pro bono* was partly due to answer the charge that Mr Bossino made that I was concerned for cost.

1010 I am very concerned about cost, which is why I sought advice on a *pro bono* basis. I am perfectly aware that when I gave *pro bono* advice as a solicitor, I would be equally as negligent, if I provided negligent advice, and liable.

Hon. D A Feetham: Is he going to answer the question? Who is the firm? Who is...? Which firm gave the advice?

1015 **Hon. N F Costa:** Yes, Verralls Solicitors.

Hon. D J Bossino: And who was acting for the Gibraltar Bus Company previously, if it was a different firm?

1020 **Hon. N F Costa:** I believe it was Triay & Triay.

Hon. D J Bossino: Presumably, Verralls will now be acting for the Gibraltar Bus Company in the residue of the industrial tribunal claim?

1025 **Hon. N F Costa:** No, Mr Speaker, I obtained the *pro bono* advice specifically on the question where we were at the point.

As I have already explained, Mr Mark Isola will be representing the Bus Company going forward.

1030 **A Member:** Is he a QC?

Hon. N F Costa: Mr Mark Isola QC, yes.

Mr Speaker: I think we should go on to the next question.

1035

**Gibraltar Air Terminal Ltd
Chief Executive Officer**

1040 **Clerk:** Question 238, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port advise whether the position of the Chief Executive Officer of Gibraltar Air Terminal Limited has been filled?

1045 **Clerk:** Answer, the Hon. the Minister for Tourism, Public Transport and the Port.

Minister for Tourism, Public Transport and the Port (Hon. N F Costa): No, sir.

1050 **Hon. D J Bossino:** Is there any intention of filling the post, Mr Speaker?

Hon. N F Costa: Mr Speaker, we are currently considering the options.

Hon. D J Bossino: Which options is the Minister considering, if I may ask? (*Interjection*) Considering the options, I just want... (*Interjection*)

1055 We are here to scrutinise the Government and I would like an answer to that question.

Hon. N F Costa: You asked the question, and that was the answer – that we are considering the options whether to fill it, or not.

1060 **Hon. D J Bossino:** Oh, I see, whether simply to fill the post or not?

Hon. N F Costa: Yes.

1065

**Nottingham Travel Trade and Commerce road show
Government participation**

1070 **Clerk:** Question 239, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism, Public Transport and the Port provide details of the cost to the Government of its participation at the Travel Trade and Commerce road show recently held in Nottingham, together with details of those who participated as part of the Government delegation, to include the cost of such participation?

1075

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

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

SCHEDULE TO QUESTION NO 239/2012

NOTTINGHAM TRADE ROAD SHOW

	£
SUBSISTENCE	90.66
HOTEL	690.00
FLIGHTS	1246.70
TRAVELLING EXP	544.00
HOSPITALITY	3777.10
MISC	713.13
TOTAL	7061.59

1080

NOTTINGHAM CONSUMER ROAD SHOW

	£
STAND	6798.02
GENERAL EXPENSES	154.61
TOTAL	6952.63

Hon. D J Bossino: Mr Speaker, I have had a chance to read the schedule handed to me, kindly, by the Minister.

1085

I do not think he has answered one limb of the question, which is:

‘...with details of those who participated as part of the Government delegation...’

That information is not set out in the schedule he has handed over.

1090

Hon. N F Costa: Yes, Mr Speaker. In fact, I have just realized that the schedule does omit the persons who attended, but I do have the information here, so I can tell him that it was myself, Mr Nicky Guerrero and Mr Paul Martinez from Gibraltar.

At the event from the Gibraltar office were Mr Lerner, Miss World, Miss Kaiane Aldorino and Mr Ian Leyde. My apologies for that omission, Mr Speaker.

1095

Hon. D J Bossino: This arises from the press statement issued by the Government in relation to its attendance at this trade fair where they make somewhat of a song and dance about meetings with the airlines currently operating to Gibraltar and with bmibaby. Can the Minister report to this House how those negotiations, if I could put it in those terms, are progressing, and will he also confirm that, in fact, those contacts, if I could put it in those terms, had already been established by this party when it was on the other side of this House?

1100

Hon. N F Costa: Mr Speaker, yes, in the first part of the question, to answer my hon. Friend, I did have meetings with British Airways, with easyJet, with Monarch and with bmibaby. In respect of bmibaby, we in fact went to visit them at their offices, because of course we were discussing the inaugural flight to Gibraltar, the possibility of other routes etc. I met with the other air carriers at Gibraltar House in London. It is very early stages to say, but it is fair to say that we did discuss the possibilities of regional connectivity from different airports in London.

1105

1110 As the hon. Member knows, we are considering the entire tourism policy and the fact is that I am not
straightaway a believer of the road travel show philosophy. My view is quickly coming to the conclusion that
it is much more beneficial in terms of bringing business to Gibraltar of having one-to-one meetings and
building personal relationships. So I held those meetings. They were preliminary introductory meetings where
1115 we did not actually get down to the nitty-gritty of discussing possible regional connectivity. I have already,
obviously, stayed in touch through correspondence. We are planning a second series of meetings to make sure
that there is that permanent liaison with the top people at those industries to ensure that when Gibraltar *is*
discussed and there is the idea of having regional connectivity from any part of the UK, they know that they
can contact the Minister or Mr Guerrero straight away to have that discussion.

1120 In answer to the second part of his question, I am afraid that I have to tell him that the air carriers were not
very much aware of the incentive schemes that were available to be able to fly to Gibraltar and, in fact,
without wishing to put down my predecessor who used to be responsible for tourism, they seemed to be
delighted with the fact that we were making such efforts in making personal contact and they wished that that
had been the case in the past, and that now, whenever there is the possibility of flying to Gibraltar, they know
they can pick up the phone and call me personally.

1125 **Hon. D J Bossino:** Mr Speaker, I am not sure whether the last bit of the Minister's reply is in fact wholly
correct, and I suggest he is putting a spin to it which does not quite reflect reality.

1130 As I understand it from speaking to his predecessor, Mr Holliday, I think the contact that he had with the
top echelons, the chief executives of these companies, was in fact very good and very close, and in fact, as a
result of his efforts, Mr Speaker, b-me-ibaby ... and I stand to be corrected but as I understand it, b-me-ibaby
was already committed, (**Hon. N F Costa:** Yes.) is already committed (**Hon. N F Costa:** Yes.) to start flight
operations to Gibraltar.

Hon. N F Costa: Yes, but, Mr Speaker, as I understand it, that was Mr Britto, not Mr Holliday.

1135 **Hon. D J Bossino:** All I am saying is my information is coming from Mr Holliday and I can reveal that to
the House without difficulty, because as I understand it, it was Mr Holliday who had the contacts with these
airlines.

1140 Can he confirm that b-me-i-baby, which is one of the airlines he mentions in his press statement is... b-
me-i?

Hon. N F Costa: bmi.

Hon. D J Bossino: bmi – sorry – is coming to Gibraltar in March, I believe it is.

1145 **Hon. N F Costa:** Yes, Mr Speaker, I have already said yes.

Hon. D J Bossino: Though not as a result of any of *his* efforts. Is that the case? (*Interjections*) Maybe he
can answer that particular question.

1150 **Hon. N F Costa:** Sorry?

Hon. D J Bossino: Is it not as a result, would he agree, of *his* efforts, but really of the predecessor in post?

1155 **Hon. N F Costa:** Mr Speaker, that question rests on the untrue assumption that I have at any point said
that the result where bmibaby is flying to Gibraltar was as a result of my efforts. I have never *ever* said that,
because it just would have been a patent falsehood.

1160

DEPUTY CHIEF MINISTER

**Heritage, culture, tourism and the environment
Government's co-ordinated approach; register of projects**

1165

Clerk: Question 313, the Hon. D J Bossino.

1170

Hon. D J Bossino: Can the Deputy Chief Minister advise where the register of projects, announced by the Government in connection with – this is a bit of a long question – the first inter-ministerial meeting to promote a co-ordinated approach to heritage, culture, tourism and the environment will be kept?

Clerk: Answer, the Hon. the Deputy Chief Minister.

1175

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the register of projects will be kept electronically and access will be allowed to the relevant Departments.

Hon. D J Bossino: So, just to clarify, the register of projects will be available in the Convent?

1180

Hon. Dr J J Garcia: Yes.

Hon. D J Bossino: No. 6 Convent Place?

Hon. Dr J J Garcia: It will be kept electronically.

1185

Hon. D J Bossino: And therefore it is available to anybody who has an interest – to the public at large, if I can put it in those terms – is it not?

1190

Hon. Dr J J Garcia: It is available only to the Departments who are interested, who are taking part in the inter-ministerial committee. It is an internal committee and an internal register.

Hon. D J Bossino: Fine. So when the Government said, in its press, that a register of projects will be kept in order to be able to record progress on each of them, the checking up on progress, if I could put it in those terms, is for the various component parts of the group, as opposed to the public. Can he confirm that?

1195

Hon. Dr J J Garcia: Yes, Mr Speaker, that is correct.

1200

SPORTS, CULTURE, HERITAGE AND YOUTH

**Heritage Action Committee
Meetings held since 9th December 2011**

1205

Clerk: Question 240, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Heritage say how many times the Heritage Action Committee has met since 9th December 2011?

1210

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Heritage Action Committee has met on one occasion, on Thursday, 23rd February 2012.

1215

Hon. E J Reyes: Mr Speaker, may I ask the Minister, as a result, does he intend to make available the recommendations and discussions held... sorry, the matters discussed by the Heritage Action Committee for

perusal by interested bodies? Does he intend to make those available, perhaps online, like tends to be the trend with other entities?

1220 **Hon. S E Linares:** Mr Speaker, that was not discussed in the first meeting, but I am sure I will discuss it in the next meeting, and just to say to the Minister that at least the Heritage Action Committee now are given the option to meet bi-monthly, so that it is more regular, and therefore the flow of information will be more attainable to the Minister and the Members.

1225

**Heritage Action Committee
Membership**

1230 **Clerk:** Question 241, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage say who the current members of the Heritage Action Committee are?

1235 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, yes, the members of the Heritage Action Committee are as follows: myself, as Chairman; Prof. Clive Finlayson; Dr Geraldine Finlayson; Dr Darren Fa; Mr Mario Mosquera; Ms Claire Montado; Mr Nicky Guerrero; Mr Paul Origo; Mr Dennis Beiso; and Mr Carl Viagas.

1240

Hon. E J Reyes: I am grateful for that, Mr Speaker.

1245 Given that the Minister has answered by giving me the names, rather than the title of a particular position that that person might hold as an employee, are these individual members of the Heritage Action Committee on a personal basis or is it, for example, because... if we can quote, Mr Mosquera and Ms Montado happen to be, respectively, the Chair and the CEO of the Gibraltar Heritage Trust?

Hon. S E Linares: Well, Mr Speaker, these are the same members that *he* had in his Committee. There has not been any change, except myself, so he should know who they are, but I will give it to him.

1250 Prof. Clive Finlayson is in the Heritage Department. Dr Geraldine Finlayson –

Hon. E J Reyes: I may save the Member some time. It is not quite what I am asking him.

1255 Two things. One is he is not purposely, but I think there is a slight error... They are not *exactly* the same members that were there when I was, but it does not matter, Minister. What I am trying to get at is are these individuals there as a result of *ex officio*, for example, because one of them happens to be the Chairperson of the Heritage Trust, and that is why they are invited to be a member, or is it because a particular person carries a particular wealth, knowledge or experience, and therefore they are appointed or invited to become a member on a personal holder basis? There is nothing hidden in there.

1260 I am trying to establish, should the Heritage Trust decide at its next annual general meeting to change the chair, does it follow from there that the new chairperson then automatically takes over without having to do anything different?

1265 **Hon. S E Linares:** Yes, Mr Speaker, because as far as I understand it, the Heritage Action Committee, which was formed by his party, actually invited people of the different sectors – and they are from different sectors. Mr Mario Mosquera happens to be the Chairman of the Gibraltar Heritage Trust, Ms Claire Montado is the CEO of the Heritage Trust, Mr Nicky Guerrero comes as part of the Tourism Board and he was probably not there before because there has been a difference, in that he is now back into the Tourism Board. Also, Mr Paul Origo because he is the Town Planner and he would probably, if he is absent... and in this case in this meeting he was absent, and Mr Paul Naughton-Rumbo attended, who is the Deputy Town Planner. Mr Dennis Beiso is the Archivist, so he came, I presume, as he originally did as the Archivist, and Mr Carl Viagas is Private Secretary of the CM.

1270

So, yes, Mr Speaker, basically they are people who are in different positions and if they do change, I presume that the Action Committee will send all... the heritage staff, for example, will send to the Action Committee the right person.

1275

**Jazz Festival
Arrangements**

1280

Clerk: Question 242, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide details of the organisational arrangements being made to hold a Jazz Festival in Gibraltar?

1285

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Ministry of Culture is, indeed, organising an international Jazz Festival that will be held in the last week in June 2012.

1290

The Festival organisation is being co-ordinated by staff at the Ministry, with help and advice from the Gibraltar Jazz Society. There will also be collaboration with the Department of Education and schoolchildren will have the opportunity of attending jazz workshops during the morning being given by the international musicians.

The Ministry will shortly be inviting applications from local entities for the provision of sound and light, as well as a stage.

1295

**Gibraltar Sports Advisory Council
Meetings held since 9th December 2011**

1300

Clerk: Question 243, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the dates when the Gibraltar Sports Advisory Council and/or any of its sub-committees have met since 9th December 2011?

1305

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Sports Advisory Council met as a *full* Council on 24th January 2012. The sub-committee of the Sports Development Projects met on 15th January 2012.

1310

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

The Minister might be aware that there has been a call by representatives of certain local sports organisations, asking for more openness in access to either attend or to look at the Minutes and so on of meetings of the Sports Advisory Council and all its sub-committees. Does the Minister have any views of whether he will accede to that request?

1315

Hon. S E Linares: Mr Speaker, it has not come to my attention, that request, but I am sure that, within the next meeting, which we are having even more regularly than it used to happen, if that comes up... I even dare to say that I would even propose it myself.

1320

So I have no problem in being more open *if* the Committee wants, because it is up to the Committee, not up to me, but up to the Committee if they wanted to have it in public. I am open to have it public.

1325

Hon. E J Reyes: Thank you.

I am not entirely clear what the Minister said, 'if the matter comes up'. The matter has been aired through

the media as a proposal from a locally registered sporting association, who I think currently hold a seat within the Sports Advisory Council, so how can the matter come up?

The Minister does not seem to have been able to read that letter to the press that was published. Can he then say how on earth can these people put the matter as an item on the agenda?

1330

Hon. S E Linares: If there is an association already, they have representation and they can represent themselves in the Advisory Council, anyway. I have not read the right letter. I must have been very busy in the office meeting people all day and, therefore, I have not had the chance to read that letter.

1335

But, like I said, if that is the case, I have no problem whatsoever to even propose myself for these meetings to be public, to be open, so that everybody can listen to everything that is happening in this Committee which, I daresay, it is incredible that it has come out now when we are in Government. But, look, I am quite open to having open meetings, no problem.

1340

**Swimming pool emergency repairs
Details of cost**

1345

Clerk: Question 244, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure now provide details of the costs incurred to carry out the emergency repairs at the 25 metre swimming pool, as explained in answer to Question No. 121 of 2012?

1350

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker, the costs incurred to carry out the emergency repairs at the 25 metre swimming pool, as explained in answer to Question 121 of 2012, is £1,302.

1355

Hon. E J Reyes: Mr Speaker, was the hon. Member, as a result of having carried out those repairs and so on... has he been able to advance on an issue that we both share, the long pending saga of the air treatment? Have we managed to make some better progress for the benefit of the pool users?

1360

Hon. S E Linares: Yes, Mr Speaker, absolutely. We have the CEO of the Sports and Leisure Authority has already identified what type of air treatment we are going to put. We have even put more budget this year, in order... or at least, I have put more budget because it has to be yet approved and, as we work, we put in budgets to see how much we can spend on different issues.

1365

I can tell him that I have worked with the CEO of the Sports and Leisure Authority to see how we can not only do the air treatment, but a whole refurbishment of the pool and the poolside and all the pool areas, including the new pool.

1370

**Gibraltar Rugby Football Union
Playing facilities**

Clerk: Question 245, the Hon. E J Reyes.

1375

Hon. E J Reyes: Can the Minister for Sports and Leisure say what playing facilities are currently available to the Gibraltar Rugby Football Union?

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

1380

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

Rugby Football Union has a total of 17½ hours of allocation available to them on a weekly basis, as follows: Westside School outside area, 1 hour; Bayside Sports Centre, pitch number two, 5½ hours; Bayside Sports Centre, archery area, 9 hours; Bayside Sports Centre, north junior pitch, 1 hour; Bayside Sports Centre, south junior pitch, 1 hour.

1385

Mr Speaker, I understand that this is not for competition, but only for training purposes.

Hon. E J Reyes: Thank you for that.

1390

The reason why I am asking this to the Minister is I am taking it for granted that he is aware that the Gibraltar Rugby Football Union seem to be in quite an advanced and favourable position of being able to obtain membership of at least the European, if not the world, governing body, and therefore I think we both share the same thing. We have become victims of our own success in the promotion of sports and, therefore, there are now greater demands for use of facilities.

1395

Does the Hon. Minister have perhaps in mind some further provisions so that they may have at least a competitive type of pitch in order to progress in the game?

Hon. S E Linares: Absolutely, Mr Speaker.

1400

I have met with the Rugby fraternity, or at least the people who are the coach, the Chairman of the Rugby Football Union, a number of times. We are working very closely because we are looking at the short term because the short term is that, for now, we have not got a rugby pitch and therefore, because we have not at the moment got a rugby pitch, we have got to try and do sort of like a patch-up work.

1405

We are trying to negotiate with the Devil's Tower Camp to see how much we can use that extra for the rugby because the rugby could use that area at least for now because, in the medium to long term, we have already discussed with them about the development of the Europa Ground with cricket. So we are going to combine it with rugby and cricket and there might be some football, but at least when the development of the Europa area comes along, then the rugby fraternity will have a permanent ground to play in and, therefore, all... and I am hoping, as well, that they can bring even international tournaments to Gibraltar.

1410

Hon. E J Reyes: Thank you for that, Mr Speaker. I am really pleased to see that the Minister tends to have the same approach and philosophy for the future as I also have in mind.

One thing, Mr Speaker, would the Hon. Minister know, or does he need to give it further thought in discussions with the Minister of Defence in order to be able to use the Devil's Tower Camp?

1415

Can I respectfully suggest to him that it might be more beneficial for sports persons that the allocations at Devil's Tower Camp are taken over by the Sports and Leisure Authority, who then, in turn, sublet to a particular association like, in this case, rugby, because it would allow us to develop, perhaps, a better partnership with the Ministry of Defence, rather than having bodies who then... individual sports associations then compete against each other to see who can get first... who can buy the PTI Devil's Tower Camp more drinks in order to compete for locations? I am saying this because I am offering myself to work together with the Hon. Minister for the development of sports, especially rugby, who I sincerely hope are successful in their application for international membership.

1420

Hon. S E Linares: I am grateful to the hon. Gentleman for the offer, which I am happy to take and have no problem in trying to work.

1425

On the Devil's Tower Camp, I can tell him that he is absolutely right. It is beneficial for the GSLA but they are a bit reluctant in giving that to the GSLA to control.

Thank you.

1430

Hon. E J Reyes: Since we represent the shareholders, perhaps the directors there will also have to do what the shareholders want.

Hon. S E Linares: Thank you.

1435

**Gibraltar Sports and Leisure Authority Board
Meetings held since 9th December 2011**

Clerk: Question 246, the Hon. E J Reyes.

1440

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the dates when the Gibraltar Sports and Leisure Authority Board have met since 9th December 2011?

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

1445

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Sports and Leisure Authority Board will be meeting – it has not met yet – on 21st March 2012.

Hon. E J Reyes: Yes, Mr Speaker, the same there.

1450

Given that this is a board of directors who have to carry out business, as prescribed by law and so on, is the Minister considering holding these meetings in open or at least publishing the minutes and so on, on, the formal Board meetings for the future?

1455

Hon. S E Linares: Mr Speaker, I repeat the same as before, that it would be up to the Board themselves to discuss it, the issue and, like I said, I personally do not have any problem with that. If they feel that they do not want to be in the public eye or do not want to publish for one reason or another, it is up to them, but I am quite open to that.

1460

ENTERPRISE, TRAINING AND EMPLOYMENT

**Families and Community Affairs
Head 5-A expenditure**

1465

Clerk: Question 247, the Hon. J J Netto.

1470

Hon. J J Netto: Mr Speaker, can the Government state what is the tentative expenditure figure as at the end of February 2012 for Head 5-A Families and Community Affairs and whether, given the rate of expenditure, there might be an overspend at the end of the financial year and, if so, by how much, and in which sub-heads?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1475

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

Hon. J J Netto: Could the hon. Member at least explain what he means by no?

Hon. J J Bossano: I mean the answer to Question 247 is no.

1480

Hon. J J Netto: Therefore meaning that he will not provide the information.

Hon. J J Bossano: Meaning that the information is not available to me at this point in time and, therefore, I cannot supply it to him.

1485

Hon. J J Netto: Mr Speaker, I am not going to go regurgitating the same arguments that I did in February or January of this year, because that is in the record in *Hansard*, but as the hon. Member knows, what prompted this particular question was when he said, in the February meeting, that he used to ask similar questions of this particular nature in order to see whether the particular head had been exceeded or not. So, basically, this particular question has been modelled on the same basis as he said it before.

1490 But it seems to me that, even by trying to model my question on the same questions that he used to ask when he was in that position, he seems to be in a position that he is not willing to give the information. Is that the case?

1495 **Hon. J J Bossano:** Mr Speaker, it is not the case that anything that he has said is true because, in fact, I have not asked at any time in any financial year in March for the figure at the end of the previous month, after a period of two weeks.

1500 The questions that I used to ask, which did not go into asking about the subheads, about which subhead had been exceeded, whether it was estimated that it was going to be an overspend, or any of those additional elements, was limited – if he cares to look back, because clearly he does not remember – to asking for the end of September, what had been spent in the first six months of the year. The answer that I normally got, if I asked for it in October, or November or December, was that it was too soon to give me the information and that I should wait until January.

1505 That is what I was referring to when I pointed him to how often the information was available previously. The answer was that it was available previously for a six-month period and it was then described as a ‘tentative’ figure which would change and it was then further conditioned by saying the figures for the first six months were not necessarily an indication of what was happening the whole year. Certainly, I have never been given – or asked for, or expected to get, for that matter – information within a fortnight of the time that the civil servants are working on it. This is information that we will get at the end of March, in order to start looking at the figures that we need to bring to the House in terms of a forecast out-turn. It is not information that I am asking for being provided for, although I would expect which could be... in fact, whatever tentative figures are produced today could change in a week’s time.

1510 **Hon. J J Netto:** Is the hon. Member saying, therefore, that he will be in a position by the end of March, if I ask a question in April, to give me the answer?

1515 **Hon. J J Bossano:** No, I am not saying that I will be in a position at the end of March to give him the answer about February.

1520 What I am saying is that at the end of March we have to close the books. Therefore, it is only once the books have been closed, at the end of March, that we will have some idea whether there is going to be an overspend at the end of the financial year, because a bill can come in during February and be paid, or it may not come in during February and be paid and if it comes in during February, as the hon. Member knows, we operate cash accounts.

1525 So the books show, at the end of the day, what has been paid, as at the end of the financial year. It is only when that has happened that the controlling officers and the Treasury will start working out what are the forecast out-turns that will go into the book that we will bring to this House, which will show the proposed expenditure and the estimated out-turn. Therefore, the estimates that he is asking me for, in respect of February, I do not have, I have not asked for, and I do not think it is reasonable to provide at this stage.

1530 **Hon. J J Netto:** Thank you, Mr Speaker.

1535 Of course, there are many hypothetical scenarios in terms of expenditure, which can occur at any moment in time in the financial year that may bring about an overspend on a particular head but, all things being equal, Mr Speaker, when I do stand up to ask for a forecast out-turn at a particular moment in time, of a particular month of the year, that information can be given with a caveat, of course, that things can change if unexpected expenditure will take place.

1540 It seems to me, Mr Speaker, that the hon. Member is not going to provide this kind of information, no matter in what form or shape I present a question. So, perhaps, in my supplementary question, which was going to be directed to the Chief Minister... but I notice that he is not here right now in the Chamber, so perhaps if I direct it to the Deputy Chief Minister, he may be able to discuss it later on with the Chief Minister.

1540 Mr Speaker, when we were in government during 16 years, very often the then Chief Minister used to offer the Leader of the Opposition the possibility of having a select committee – a public accounts select committee. In fact, he even went to the extent of saying that he would even place the Leader of the Opposition as chairman of the public accounts committee. Therefore, my supplementary question is that, given the parliamentary reforms that the Government is considering, will he not consider also having a select committee

1545 on public accounts?

At the end of the day, the line of questions which I am asking is money that we have all asked for – sorry – that we have all participated and voted for in the Appropriation Bill and it seems to me that the whole aim of asking this particular question is to scrutinise the Government in terms of public accounts. It seems to me that if we are moving forward to scrutinise the Government, we should adopt the same practices that, basically,

1550 were not just necessarily the House of Commons, but the Scottish Parliament, the Welsh Assembly and, no doubt, other jurisdictions, whether Jersey, Guernsey or the Isle of Man, also do have means available to all Members, whether they are on the Government side or the Opposition side, to be able to scrutinise the Government on public accounts. The only place I can think of unless, of course, I am mistaken, is Gibraltar.

1555 We did offer to them when they were in Opposition: the hon. Member did not wish to take the offer forward. We on the Opposition benches would like to see, within the context of the parliamentary reform, whether we can have a select committee on public accounts so, at the very least, we know that this matter of looking at public accounts can be taken into account.

1560 Will the Hon. the Deputy Chief Minister take this proposal from the Opposition to the Government so that it can look into that in the context of parliamentary reform? Yes or no?

Hon. Deputy Chief Minister: Mr Speaker, I do not think the question, the supplementary, has any relevance to the original question.

1565 **Mr Speaker:** It is not directly relevant, but it is up to the Minister, if he feels he wants to answer it.

Hon. G H Licudi: Mr Speaker, the hon. Member talks about the possibility of a select committee and the matter going forward.

1570 As the hon. Member well knows, there is a Commission, which has been set up to advise and make recommendations, which will be debated in this Parliament. No doubt, the hon. Member will write to the Commission with his views, as to what parliamentary procedure should be adopted going forward and the Commission will, I am sure, take those views into account.

But there is a Commission that is looking into all these matters and that is the proper place to consider this.

1575 **Hon. J J Netto:** With respect, Mr Speaker, it is not for me to inform the Commission on what the Opposition may or may not like, this is the place, this is the Parliament, where we actually raise matters to the Government and I am raising to the Government whether they can give some thought to the possibility of having a select committee on public accounts, which is the norm in most western democracies. I am putting it directly to the Government, not to the Commission. Will the Government consider that?

1580 I remember, in one of my first questions, when we had the January session, which was on the question of looking at accessibility for disabled persons, access to public buildings, like in the question of Parliament, and the Hon. the Chief Minister stood up and said, ‘Of course we will look into that, so that disabled people can have access to the particular Parliament.’ So I do not see why, when I am asking directly a question to a member of the Government, that the Government cannot take it on board and look into the matter?

1585 **Mr Speaker:** Access to a public building like this House is something which the Government can deal with, without the need for a select committee or a commission, but the procedural matter which the hon. Member wishes the Government to look into, has been answered by the Minister for Justice as a matter which has been... or within the remit of the Electoral Commission, so it is a different issue.

1590 **Hon. D A Feetham:** May I, just in relation to that, add this, that my understanding from conversations certainly I have had together with the Hon. the Leader of the Opposition, with the Chief Minister and the Deputy Chief Minister, is that is not intended that the Opposition would make suggestions to the select committee on parliamentary reform, neither is it intended the Government would make suggestions to the select committee on parliamentary reform and that suggestions on this side of the House on parliamentary reform would be made on a bilateral basis. That is my understanding of discussions that we have had.

1595 **Hon. Deputy Chief Minister:** Mr Speaker, the Opposition may or may not wish to make submissions but, certainly, the party that they belong to is free to make those submissions to the Commission, which they

1600 would then consider.

Hon. J J Netto: Mr Speaker, could I please have an answer, if they wish to answer the question?

Will the Government consider the possibility, within the process of parliamentary reform, to introduce a select committee on public accounts? Yes or no?

1605

Hon. J J Bossano: Mr Speaker, the hon. Member is pretending to be asking a supplementary to a question about five – Head 5A, Families and Community Affairs – about the expenditure up to February this year.

I do not know what he thinks a public accounts committee would be doing, but he seems to have a notion that a public accounts committee would effectively do the role of the controlling officer of the head, because what is wrong with this question now and what was wrong with the question that he asked before, and what has never been asked in the 39 years that I have been here, is a breakdown of a head of expenditure, where it has payments to the Social Assistance Fund, contributions to the Statutory Benefits Fund, contributions to the Care Agency, additional contributions, general expenses for consumer affairs, electricity and water, telephone service, printing and stationery, Citizens' Advice Bureau, contracted services for inspections, office cleaning, personal emoluments, overtime, temporary assistance, pension contributions – now that is *one* head of expenditure.

1615

If one were to go through this on a monthly basis, and debate it and if that was a role of a select committee of the House, or a public accounts committee of the House, they would be doing nothing else. This is the job that the Civil Service does.

1620

I do not know if they used to spend all the time doing this when they were in office, but certainly he spent all the time telling *us* in this House what the answers to all these questions was in terms of whether the estimate for the year have been exceeded or not exceeded in the first month, the second month, the third month, the fourth month, and so on throughout the year – which is what he wanted the last time – or in the eleventh month – which is what he wants the first time – but it is not the information that he is going to get from me. I do not think it is information that makes any sense, or is relevant because, in effect, we would be able to replace all the Civil Service with him, if he was so interested in doing that.

1625

He used to accuse me of number crunching, but I think he takes the cake!

1630

Disabled persons in long-term employment Withdrawal of Disability Allowance

1635 **Clerk:** Question 248, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for Social Security say how many disabled persons in long-term employment or supported employment have received letters from the DSS to the effect that the Disability Allowance is being withdrawn?

1640

Clerk: Answer the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, as I indicated in answer to Question 127 of the last parliamentary session, 16 disabled persons were informed that their Disability Allowance would be reduced on a staggered basis.

1645

The Department of Social Security, following our exchanges, where he expressed concern that they would finish up worse off, has introduced a formula which guarantees that the first reduction is in the month of March, because in February they did not touch the allowance, because they had been paid the allowance at the beginning of the month and they had been paid the wages at the end. The first deduction is in March, that is 25% for people who are getting the higher rate of the allowance and 12.5% for people who are getting the lower rate. There will be three such deductions, so they will be left with 25% of the higher rate, or 73% of the lower rate, which will guarantee that the amount will be well above what they were getting before, which is what worried him.

1650

I have taken it into account and I have asked Miss Sacramento to make sure that the formula does not lead to what he was worried about.

1655 **Hon. J J Netto:** I am grateful for that particular information, but do I take it, just for my own satisfaction in my mind, that the whole process – because, obviously, I have seen a copy of the letter that has gone out to a recipient, that letter, and trying to match the content of that letter with the statement that he has just made, I seem to get the impression that what the Department may have done, is say ‘We are going to issue a letter to these particular disabled persons. Let’s get the file out, let’s see the details of the circumstances of that particular person and then we will act in accordance to the manner in which you have just described now.’

1660 But, of course, even in that particular process, there is also a concern in my mind, in the sense that when a person gets a Disability Allowance – the vast majority, with a very few exceptions – is when they are born. The Department collects all the medical certificates, all the information and then they take a determination whether the Disability Allowance is given or not given.

1665 That happens when the disabled child is born, but 15, 20, 25 years later, that particular disabled person is in the position of this particular person we are discussing right now, may find – and it is probably the case, given the nature of disabilities – that there may have been a deterioration of the condition or disability of the person, so what I am trying to match, if you like, is the file in the Department at the time when the disabled child was born may not match necessarily the circumstance of the disabled persons later on, 20 years later on.

1670 So could I now then ask the hon. Gentleman that, perhaps what is missing here is the possibility that, before issuing a letter, or even in issuing a letter to a disabled person, that at least the Department may say something to the effect of, say, however, if your circumstances have changed, please come along so that we can update our information, in case there are other circumstances that we need to take into account, just as I was saying before, in terms of equipment, maybe expensive services which may be expensive, I don’t know – things of that nature, generally speaking, to do with the necessities of disabled persons. I think that it would help both persons. It would help the Department to update the records, but it would also help the disabled person if he feels aggrieved that, perhaps, the conclusion or that decision has not taken into account any change or any worsening of disability of that person.

1675 Will the hon Member take that into account?

1680 **Hon. J J Bossano:** Yes Mr Speaker, I will certainly pass on his ideas and suggestions, so that the Department could see how they can give effect to what he thinks can be more helpful now. I am going to inform any suggestions that he has that there will be a benefit to those concerned.

1685 All I want to say is that, in fact, there are more than 16 people in the category – the 16 people were the people who are getting before either £450 because they were officially in a full time job or in full time training, as it was called then, or the £225 because they were supposedly working only 2 or 3 hours. So those are the 16, and those are the ones that are being replaced by either £912 or £456, which are the new rates.

1690 All that we have done is to make sure, following his intervention last time, that those people are not finishing up worse off, when we intended was to better them. But I take on board his additional suggestions and I will certainly pass them on to the Department.

Thank you.

1695 **Persons in receipt of Social Assistance
Detailed breakdown**

Clerk: Question 249 the Hon. J J Netto

1700 **Hon. J J Netto:** Mr Speaker, has the Minister for Social Security had the opportunity to ask his staff at the DSS to see if information with regard to persons receiving social assistance can be provided, broken down in groups of less than 3 months, 3 to 6, 6 to 12 months, 12 to 24 months, 2 to 10 years, sorry 2 to 10 years and over 10 years and if so can they be provided at the end of February 2012, if not then provide the information in the usual manner as before for the same dates.

1705 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the answer is ‘yes’, in terms that I have had the opportunity to ask the staff to see if they could do something about it, but I

1710 regret that the answer is ‘no’, in that the reply I have had is that they cannot, for the explanation that they gave the last time.

1715 They say that if they... when they can tell me the number of people there are today if I ask for the information today, but the way the information is kept does not show how long they have been there. I imagine that it would mean that, if there are 554 in January, the 554 files in January can be looked at individually and there will be something there since they are limiting themselves to providing the breakdown, or providing the answer, from the information that they have in this Excel spreadsheet: all that they are able to give me is that.

1720 I suppose I can ask them if they can find the time to do a manual check of the 500 people but I cannot see them doing it any other way: it is not available electronically. So, on that basis, all I can do is update the information I gave him on the last occasion and I now pass the relevant information which shows the figures in January and the figures in February.

Answer to Question 249 of 2012

Persons in receipt of social assistance by age and gender in 2012

Month	Age						Total	Male	Female
	Under 18	18/25	26/35	36/45	46/60	Over 60			
January	1	87	136	136	172	22	554	210	344
February	1	84	135	138	169	22	549	204	345

1725 **Hon. J J Netto:** Mr Speaker, I am grateful but, as the information comes across, I think that we both recognise the fact that it would have been very useful if the system would have allowed to extract that particular information.

1730 We both recognise, even we both admit – our knowledge of IT is quite limited – the fact that a Microsoft Excel programme is very limited by nature, by being able to get this particular information. It may be the fact that the kind of information that we want to extract from an Excel programme is not possible at all. But could I ask the Minister, perhaps, whether the Department will consider, I don’t know, investing some amount of money to have a database programme that may be able to extract this particular information without necessarily being disproportionate in the effect on the staff there? Will he consider that?

1735 **Hon. J J Bossano:** Well, frankly, Mr Speaker, my priority is to reduce the number of people in receipt of Social Assistance. I mean I am more interested in putting the effort into seeing what we can do, because I think we need to remember that something of the order of half the people here are considered to be employable. That is the information I have been given, right. In fact, something like a third of them register as unemployed, it is just that they have exhausted the thirteen weeks, so it may be that, if I am successful, as I hope I will be, in bringing this figure down, once it is smaller and we are then left with the people that are likely to be on Social Assistance for a number of reasons that make it very difficult to put into employment... I think we have got, for example... I think the hon. Member has got the figure of the age groups.

1740 I would say probably people that are getting Social Assistance over the age of 60, of whom there are only 22, would be people that may have been there a very long time and people that may not be... it may not be possible to put into employment. Clearly, those who are in the under 25 are the people who have probably come out of the labour market, exhausted the thirteen weeks and have not found a job. So those are the two extremes of the distribution of those on Social Assistance, and what I can promise him is that I will revisit this depending on how successful we are in bringing down.

1745 I think it would be a lengthy and complicated exercise with as many as 500 or 600 but I think if we had a smaller number we would probably be able to do what he wants.

1750 **Hon. J J Netto:** Yes, Mr Speaker, I think we both share the same objective, in the sense that, ultimately,

1755 what we want is to reduce, if possible, the number of people on Social Assistance and the other reason, in pursuing this particular question, is that, if we have the tools available to be able to examine this in more detail, then our minds can be focused more attentively as to why a particular group of people and certain ages may be finding difficulties in getting employment because they may have other circumstances which impedes them employment. He used the phrase 'unemployable' –

1760 **Hon. J J Bossano:** I used the opposite.

Hon. J J Netto: 'The opposite', which is not a phrase which I particularly like using at all.

Hon. J J Bossano: 'No, employable', I said.

1765 **Hon. J J Netto:** 'Employable' you used... I'm sorry, I misunderstood you, then.

I think there may be some people in very, very severe circumstances not being able to find employment, but I am sure, to some degree or other, some people could be trained to some type of employment, even if it may be supported employment of some kind.

1770 But, anyway, that is a discussion of a different order, and I am grateful that, at the end of the day, the Minister will take it back because, obviously, it is useful for the Government and it is useful for everyone.

Thank you very much.

1775 **Gibraltarians registered unemployed
Numbers aged 60-64 and 65 and above**

Clerk: Question 250, the Hon. J J Netto.

1780 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment state the number of Gibraltarians registered unemployed between the ages of 60 to 64, and 65 and over, broken down in periods of unemployment of up to 1 year, 2 years, 5 years, and 10 years or more?

1785 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of Gibraltarians 65 years and over registered unemployed is one. That one person has been up to one year registered.

1790 The number of Gibraltarians in the age range 60 to 64 registered unemployed up to one year, 10; up to two years, 10; up to five years, 10; and in excess of 10 years, 12.

1795 **Gibraltar Development Corporation
Board meetings held since General Election**

Clerk: Question 251, the Hon. D A Feetham.

1800 **Hon. D A Feetham:** Can the Minister for Employment state how many times the Board of the Gibraltar Development Corporation has met since the General Election?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

1805 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The number is none, Mr Speaker.

Clerk: Question 252, the Hon. D A Feetham.

1810 **Hon. J J Netto:** Mr Speaker, could I ask a supplementary question to the question before?
Could the Hon. Minister say who are the members of the Board, please?

Hon. J J Bossano: I believe the information is published and I am told there is another question dealing with this. (**Hon. J J Netto:** Sorry?) I believe there is another question on this, (*Interjection*) but it is published, anyway – the information is public.

1815

**Future Job Strategy
Civil Service placements**

1820 **Clerk:** Question 252, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any trainees under the Future Job Strategy scheme have been placed in Civil Service Departments to undertake their training or part of their training?

1825

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker.

1830

Hon. D A Feetham: How many, please?

Hon. J J Bossano: The number in Government Departments is 34 and in Agencies and Authorities is 41, making a total of 75.

1835

Hon. D A Feetham: Do these trainees satisfy minimum entry requirements for the Civil Service, those that have been placed in Government Departments and do the others that have been placed in Agencies satisfy minimum entry requirements to those Agencies?

1840 **Hon. J J Bossano:** Well, Mr Speaker, the bulk of the people are in the Departments and in the Agencies, where there under the previous VTS schemes so, out of the total, only 14 are people who come in in February as a result of the system that was introduced on 1st February.

The rest are people – the other 61 – that were there already. I do not know whether they used to have to have the requirements for joining the Civil Service, but the training that they are getting, and the training that they have been getting, was not on the basis that there would be a Civil Service job at the end of it.

1845

So that is the answer.

Hon. J J Netto: Could I ask the Hon. Minister for Employment what training has been given to these particular persons?

1850

Hon. J J Bossano: The nature of the training that is being given depends on the area... for example, there are two or three people who are with GBC, who were with GBC since before the last election. Whatever it is that they were being trained to do before the last election is what they are being trained to do now!

1855 These people, in many instances, the feedback that we are getting is that the Departments, or even in the private sector, they were taken on because they were asked to take them on, on the basis that the experience that they were getting in doing administrative work, or whatever it was, would improve their prospects of employment – not that they were being trained on the basis that GBC had three vacancies and was going to take the three trainees. That is not the case and it was not the case before.

1860 One of the things that is going to be happening, of course, is that to the extent... Remember that the bulk of the people that we have got in the Employment Training Company are the people who were previously in Bleak House, and shown as employees of Bleak House, deployed elsewhere.

To the extent that the people have been deployed in a place where the employer in the private sector is telling us, 'Well, look, really, I have got nothing for this person here – I thought I was doing the Government

1865 a favour, instead of the other way round' then what we are trying to do is put them in the public sector so that at least they are learning something and we are actually achieving some return on the money we are investing in their training. I think it is training that will stand them in good stead.

1870 Therefore, that process is driven by people in the Department saying, look, I have got a backlog... for example, of... If I give a concrete example, so that the hon. Member will then get an idea of what this is about. The Social Security people have got a problem every time we have a number of people in the construction industry who have been laid off who are frontier workers, as happened recently. Those people who turned up asking for some EU paper that enables them, on the other side, to get paid unemployment benefit as a result of their employment record in Gibraltar, the Department has a problem in meeting that, and people obviously get very uptight, so they are saying, 'Is it possible to give me a trainee to help me clear this backlog to stop all these people queuing up here complaining?'

1875 That kind of training is an *ad hoc* training and it is being done because we do not want to terminate the people that were already there. Therefore, the people who were already in the VTS will, if the scheme works as I want it to work, eventually finish up in doing dedicated training for a dedicated job. But I think the fact that they have been working, there were some half a dozen in the Tax Office, for example, who are still there; but it does not mean that there are six vacancies in the Tax Office that these people are going to fill and it was never the case.

1880 I do not know, for example, in respect of the original thing, where the fact that the VTS people from Bleak House placed them in the Tax Office meant that only the ones who had five GCSEs could go there. That I do not know.

1885 **Hon. P R Caruana:** Mr Speaker, clearly, whether it is work experience or training, it is better than doing nothing and I agree with the hon. Member that if the Government wants to encourage the private sector employers to support training programmes then the Government has got to be willing to participate as an employer and not exclude itself.

1890 All that said, this was something that concerned us at the time when people started to be placed in Government Departments. Would the hon. Member acknowledge that there is a danger of and, therefore, will he agree to keep an eye on, the fact that if the Government is not careful about this it ends up as an informal preferential recruitment channel into the Civil Service generally, because if you have been a trainee – a 'placee', let's call them – for a number of years, you then have a huge advantage over other applicants, when there are vacancies in the Civil Service.

1895 It is a very thin line between providing worthwhile training placements from which to do the public sector benefits, as well as the training on the one hand, and care needs to be taken that this does not become the equivalent of the housing pre-list and that, therefore, the people that have been doing this are obviously going to be more attractive candidates. Therefore, people who are not placed in the public service and are placed in the private sector see themselves at a disadvantage when public sector jobs come up – and no-one will want to accept a placement in the private sector. It just needs to be kept an eye on, I would ask him to consider, so that it does not acquire that folkloric, or worse, real significance.

1900 **Hon. J J Bossano:** Yes, I do agree that we need to be careful that that does not happen.

1905 I have to tell him, Mr Speaker, that we do not expect that, beyond this year, we shall be having those kinds of numbers. It is just that there are two elements in this: one is that the ones that were already in the public sector are in the public sector because of not being able to move them to the private sector. Given that the ones that were in the private sector are now getting £912, in some cases the employer said, 'Look, really, you can take this person tomorrow, because I really have not got that much for him to do'. I remember one particular case – I do not know whether I have mentioned it to the House – the guy said, 'Look, the only training I have been able to give is to put these people to shredding, and now I have got nothing left to shred!'

1910 So we are likely to see, I think, over the next few months, probably an increase of those in the public sector, simply because they have been shifted from the private sector, with the expectation that the move will be in the opposite direction at a later stage, because we do not want to terminate the VTS unit. I think it will be wrong to terminate it for the VTS people who are already there in January and to be taking people away who are not there in January.

1915 So the answer to his question is that I agree entirely with the analysis that he has made. In fact, to the extent that we use the public sector, we would use them on specific targeted work which has got a beginning and an end, and therefore not on a long running basis.

1920 **Hon. D A Feetham:** Can he help us with this: how many of these 75 trainees are actually undertaking any form of structured training? That is the question that I asked. It was about *training*; it was not about work experience as such.

1925 I am aware, in relation to a number of authorities, there were people who were placed on the VTS scheme, where really it amounted to work experience. But I am talking about *training*. I am just focusing on Government Departments. How many people in Government Departments are actually doing formal training, under the Future Job Strategy?

Hon. J J Bossano: Well, I think there were some people who were doing some business NVQ and those people were probably in the Treasury or the Tax Office and they probably are no more than half a dozen.

1930 But nothing has been changed in terms of what they are doing, other than the amount that they get paid. So, of the 61 that were already there, to the extent that any structured training was taking place before, it is still taking place. The answer is that I do not know to what extent. I think it is more a question of the training being that in their CV they can say we have worked in the Treasury or in the Accountant General's Department, or in the Tax Office or in the Tourist Office – they are spread all over the place.

1935 Except for those who may require sheltered employment and who have been there for a very long time, I think the rest, really, are there simply because it gives them an opportunity to work in an office environment. If we get a vacancy coming in that says, 'I want a receptionist', then we can say we have got a receptionist here that has been doing reception work in three different Government Departments, and therefore they have got the experience that they can go tomorrow into an office and start acting as a receptionist straightaway. I think it is no more than that.

1940 **Hon. D A Feetham:** Yes, I am not sure you need any specific training to do shredding or I do not know whether you need any specific training to be a receptionist. I really do not know.

1945 But was not the whole point of the Future Job Strategy to train people for a full time job in areas that were relevant to that full time job, with a guarantee of a full-time job at the end of it? Does he not accept that the way that these trainees are being dealt with is not in accordance with their stated policy and stated aim in accordance with the Future Job Strategy?

1950 **Hon. J J Bossano:** Mr Speaker, I accept that the stated policy that we have is not what they were doing before, with the 300 or 400 people. What I am telling him is that the bulk of the people who are there are not there because we believe that is what is ideal; they are there because that is where we found them 'parked' when we arrived!

1955 As we move them into the new system – for example, I can tell the hon. Member that there was a particular company that came to see me, in terms of the investment that they were planning to do and their requirements and their willingness to take on trainees and guarantee them employment. In that case, we were able to provide, from the people that were in the VTS, 10 people who were, in fact, university graduates. They were looking for university graduates.

So out of the 10 that we have, who were getting £450 and were spread in different Government Departments, eight were taken by this particular employer. That is what we hope will be happening with all of them – but it is not happening yet.

1960 **Hon. D A Feetham:** Yes, I understand that your policy is different from ours. I accept that, but I am here to question you on your policy.

1965 What you have effectively done is you have effectively added to the numbers that are working within Government Departments by 14. Can I ask the hon. Member, where is the guarantee of a job at the end of that?

Hon. J J Bossano: Well, I will tell the hon. Member: the answer to that is that the 14 that are in the scheme that are in the Government Departments – and there are going to be more of them – are the people who, under the policy that *he* had when he was in Government, he had placed in the private sector with no job guarantee.

1970 I wish I had been able to give 400 job guarantees the first day I arrived in office! Regrettably, it is not possible to do that, but I can guarantee him that the intention is that they will *all – all*, without exception – finish up in secure jobs at the end of proper training. That is what we are going to do, that is what we are

starting to do, and that is not what has yet been completed. But it will certainly be completed.

1975

Hon. D A Feetham: Mr Speaker, when it starts getting a little bit controversial, it is almost as if the thought process of the hon. Member when he answers my questions is, 'That is a very good question. Now, let's see whether I can evade it'! That really is the way that the hon. Gentleman approaches the questions.

1980

Now, we certainly were never going to guarantee people jobs, because it is not *possible* to guarantee people jobs. That is our view! The hon. Members opposite, in their manifesto, said:

'Future Job Strategy: there will be from 1st February a new dedicated Training Strategy with a maximum of three years and a *guaranteed full-time job on completion*'

1985

Does he not accept that he was conning the electorate, when he made that commitment? (*Applause and interjection*)

1990

Hon. J J Bossano: Mr Speaker, the answer to that is the answer I gave him when he asked me a month ago: I accept that he is the expert in conning people, but I do not accept that he has got it right on *this* occasion. Therefore I reject his accusation and time will tell whether I was conning people before 8th December or he is trying to con them now! Time will tell who is right and who is wrong.

1995

Hon. D A Feetham: Just one final supplementary on this subject.
If you cannot find a job for these people – a permanent job for these trainees – will you undertake to this House to make good on your electoral promise and actually employ these people within the public service in a Government-owned company? (*Interjection*)

2000

Hon. J J Bossano: Mr Speaker, I do not accept that I am going to fail, and therefore I do not accept that I have to give him any undertakings.

Clerk: Question –

2005

Hon. J J Netto: Can I ask one further supplementary question?
In relation to the 75 trainees – well, if you can call them trainees – which are now being seconded in the Civil Service, how long will be the period for secondment within the Civil Service for these 75?

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Hon. J J Bossano: They are not being seconded to the Civil Service, in the sense that – (*Interjection by Hon. J J Netto*) As I have told the hon. Member in my original answer, Mr Speaker, 61 of them were already there and 14 have entered new. They will be there until we have got a job for them in the private sector. We are not going to be sacking anybody from the Employment Company until we have got jobs for them.

Hon. J J Netto: Therefore, there is no prospect of some of them not getting a job in the private sector? They will remain placed in the Civil Service?

2015

Hon. J J Bossano: All these questions, Mr Speaker, are driven by the assumption that we are going to fail in achieving the targets we have set. (*Interjections*) So the answer to the hon. Member is – (*Interjections*)

2020

No, Mr Speaker, if every question assumes that if I set out to employ 50 people in a month, and I employ 49, what will I do with number 50? Well, the answer is that if I set out to employ everybody, then I assume that I am going to succeed, and if I do not succeed, then I will find a way of protecting them and ensuring they are continuing to be having an income. I will not do what was happening before, which is give people £450 a month for six or seven months – or two or three years – and then *sack* them, only that they could not say 'I have been sacked', because they were not employees....

2025

When they went to complain to an industrial tribunal, the previous administration argued in the tribunal that they had no protection in law because, in fact, they were... the tribunal did not have the jurisdiction to hear the case.

So the answer is that we are not going to be finding ourselves in that situation and we will not have the protection that they gave themselves when they did.

2030 **Hon. D A Feetham:** Is the position, then, that the Hon... is the position of the hon. Member this: that if you cannot engage these people in permanent employment in the private sector, they will remain in permanent training mode for the rest of their lives? Is that the position?

2035 **Hon. J J Bossano:** No, the position of this Member is, Mr Speaker, as far as I am concerned I am not going to speculate about what will happen in the future on the assumption that I fail to achieve the targets I have set myself – which they would like me to, but I am not either going to give them that satisfaction, now or in the future.

2040 **Future Job Strategy
Adult Nursing Diploma trainees**

Clerk: Question 253, the Hon. D A Feetham.

2045 **Hon. D A Feetham:** Can the Minister for Employment state why the new arrangements in relation to the Future Job Strategy have not been extended to those people undertaking the adult nursing diploma?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2050 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as already stated in answer to Question 17/2012, the Future Job Strategy *is* being extended to those people undertaking the adult nursing diploma, once it is established if this is a more favourable option for them than what they are currently getting, or what they are in the process of getting.

2055 **Hon. D A Feetham:** Well, Mr Speaker, we certainly know of cases of people undertaking the nursing, adult nursing diploma, where they are still earning £400-and-something. Why is it that these people are not earning the £912 that everybody else is earning and that, effectively, as he has recognised, firstly, in his answer just a few moments ago, that he said in January was going to happen to these people?

2060 **Hon. J J Bossano:** Well, Mr Speaker, I don't know of those people that he says he knows. If he tells me who they are, I will make sure that they get paid and that they get paid retrospectively. That's all I can tell you. I don't actually monitor each individual myself. I assume that the people who are providing me with the information have done their homework correctly.

2065 I can tell him that what they tell me is that there are some categories of people in adult training who would be getting a bursary or something from the Education Department, clearly not the £450 – a much higher sum – and that those people might actually be worse off, very much like what was happening when the hon. Member asked me about the people on the sheltered employment. So, we want to avoid giving people the £912 and then finding out that their net take home pay is less than what they would have got if they are getting a grant which, apparently, some of them are getting because of some relationship with Kingston. I think these are people who are possibly doing a level of qualification.

2070 There are two issues: one is whether Kingston would consider still being responsible for granting them the qualifications on the basis that they are employees, as opposed to students, which is more of a technicality. And the second one is the monetary effect. The answer is that nobody should be getting £450 any more, and should not have been getting it since 1st February. If the hon. Member passes me the details of those that he knows, I will make sure that it is put right.

2075 **Hon. E J Reyes:** Yes, Mr Speaker, may I add, I am told by the representatives of these students undertaking the adult course that they have requested a meeting or think, apparently, they are expecting an answer back from your colleague, the Minister for Health, and we have come to this House six weeks after the new sort of rate, or allowances, should have been payable to them and they are none the wiser because the Minister has not, apparently, been able to reply to them.

2080 **Hon. Dr. J E Cortes:** Mr Speaker, the students in question wrote to me and asked me for a meeting and I

2085 am seeing people very very soon, and I am waiting to see them. Issues will not necessarily be purely on the question of remuneration, there could be other issues that they want to discuss with me and I am very keen to discuss it with them. I don't think this is relevant to the question that my colleague has answered.

2090 There are issues, as my colleague has rightly said, a lot of them are students of Kingston University, and therefore there is a technicality as to whether that is consistent with them being in full-time employment and certainly because they receive a grant which is tax free, the sums have to guarantee that, as my colleague has said, their income is not reduced once they get the nine hundred and something, which will be taxable and so on. So this is something that we are looking at but, again, as the Hon Minister for Employment has said in no way will these students be prejudiced, and I will add my own personal guarantee to that of my colleague.

Clerk: Question –

2095 **Mr Speaker:** The Hon. Edwin Reyes.

Hon. E J Reyes: Yes, Mr Speaker, but it is not, the Hon Minister said that he is waiting to see them. I think from the students point of view it is that *they* are waiting to see the Minister, not the other way around.

2100 **Hon. Dr. J E Cortes:** Mr Speaker, I must... Sorry, Mr Speaker, I have seen hundreds of people till all hours of the evening and I am glad to do so because I actually enjoy doing it. The suggestion that has been made, that there is any kind of delay in my seeing anyone who wants to see me is preposterous and I am sure there are lots of people out there who will agree with that. If they want to see me they will see me as soon as I have... as soon as they want.

2105 The question is that these are issues that have been dealt with, they have requested to see me and I immediately replied that I would be glad to do so and, for all I know, it is in my diary already, but there is absolutely... I completely reject any suggestion that there is any problem with seeing me at all. People see me more... I have probably seen more people in the last 3 months than my predecessors had seen probably in a year. (**Several Members:** Hear, Hear) (*Applause*)

2110 **Hon. E J Reyes:** It still does not tackle the issue, Mr Speaker. These individuals, like those on the Vocational Training Scheme, were getting £450 a month. If it has become beneficial for those on the training scheme to move away from the tax free £450 into a new £912, taxable, then surely logic tells you it will also be beneficial for these individuals.

2115 **Hon. Dr J E Cortes:** Mr Speaker, whatever is beneficial is what is going to happen.

Mr Speaker: The Hon. Danny Feetham.

2120

**Gibraltar General Construction Ltd
Employment status of sacked workers**

2125 **Clerk:** Question 254, the Hon. D A Feetham

Hon D A Feetham: Can the Minister for Employment state how many of the 14 resident workers sacked by Gibraltar General Construction Limited, a Government owned company, are now back in employment?

2130 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I will answer this Question, together with 255 and 256.

2135

**Construction sector
Update on job losses**

2140

Clerk: Question 255

Hon D A Feetham: Can the Minister for Employment state how many workers have lost their jobs in the construction sector since the answer to Question numbers 15 and 16 of 2012?

2145

**Construction sector
Employment status of sacked workers**

2150

Clerk: Question 256.

Hon. D A Feetham: Can the Minister for Employment state how many of the 31 resident workers identified by him as having been sacked by private construction companies in answer to Question number 16/2012, have now found employment?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Hon. J J Bossano: Mr Speaker, three of the 14 persons have since been employed. The employment service records show that, since the answer to Questions 15 and 16/2012, the terminations of 287 contracts of employment in respect of the construction industry have been notified by employers. Six of the 31 resident workers given in the previous answer have now found employment.

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Hon. D A Feetham: Just repeat the last part I didn't quite catch that.

2165

Hon. J J Bossano: Yes, 6 of the 31. *[There was a long silence.]*

Hon. D A Feetham: Do these figures include the redundancies made yesterday by Volker Stevin?

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Hon J J Bossano: No, these figures are based on the notifications up to Friday.

Hon. D A Feetham: Mr Speaker, we accept that it is entirely right... that it is within the prerogative of the hon. Members opposite not to have continued with GSD construction projects. We also accept, obviously, that it is their prerogative to channel resources into their own projects, but does he not accept that the sudden ceasing of work on Government projects, at the end of last year/beginning of this year, is actually causing significant unemployment within the construction sector, is also placing construction companies in severe difficulties, and is also placing companies who depend on the construction sector into severe difficulty? Does he not accept that?

2175

Hon. J J Bossano: Well, I do not accept any of the conclusions that the hon. Member has reached from the answers that I have given him.

2180

Hon. D A Feetham: Well, you may recall that when we were in Government – sorry, administration, I don't want to offend the Chief Minister – we came out, *(Interjection)* we came out with a policy in relation to the construction sector, whereby we were spreading the workload around public projects, spreading the workload around amongst construction companies, on condition that those companies then employ residents of Gibraltar from the unemployment, the long-term unemployment, list, or the unemployment list. What measures is the Government doing in order, or what measures is the Government proposing, in order to help construction companies and those operating within the construction sector?

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2190

Hon. J J Bossano: Well, Mr Speaker, what is happening, in that respect, is that that policy which was announced in the budget – and which I welcomed from the Opposition – is being continued and expanded and

2195 monitored to a greater degree than it was before. We are now trying to make sure that, in fact, what was intended is happening, which I don't think was happening to a very large extent. In fact, you know from the breakdown by nationality of the people in these contracts, there were very, very few residents in many cases.

2200 **Hon. D A Feetham:** Does he lose any sleep at night, bearing in mind that he is the Minister for Employment that has actually presided over 250 redundancies up to January and now a further 287 redundancies of workers within this particular sector?

Hon. J J Bossano: Mr Speaker, if I did I would have to lose less sleep than Mr Montiel because, in fact, in January and February last year the level of redundancies in the construction sector was 100 more than in January and February this year.

2205 **Hon. D A Feetham:** What is he doing... are there any specific measures that he is taking, other than a continuation of our policy?

2210 Quite frankly, bearing in mind that I have not seen any new projects that have been commenced by the hon. Members opposite, I do not see how that could have contributed in taking people off the unemployment list, but what extra measures is he, what different measures, is he taking in order to deal with these high levels of unemployment within the construction sector?

2215 **Hon. J J Bossano:** Well, obviously, the hon. Member, Mr Speaker, does not understand very much of the subject matter for which he is now responsible, because the unemployment that is going up is the unemployment in the Campo area, where 90% of these workers came from. That is to say, if we look at the actual figures of the people that are unemployed...

2220 For example, in one of his questions I have told him that three of the 14 have now found jobs. And I can tell him, because the number is small enough to be able to look at it in more detail that, in fact, four of the remaining 11 are unemployed and seven have not registered as looking for work. So he must not assume that every time there is a notification of a termination it means that there is a person registered as unemployed. As his colleague will tell him, what he used to tell me when I used to make that kind of mistake, that is to say, these are notices of termination received by the Department.

2225 The person whose employment has been terminated can register as unemployed if he is registered as having been employed with a Gibraltar address. Sometimes they do not appear, which suggests that perhaps the Gibraltar address was not a Gibraltar address after all. Those that do are a small proportion of the total. The advantage is that, with the scheme that they initiated and I am, in fact, expanding on, the priority will go to those who are here and have registered and not to those who have disappeared over the horizon.

2230 So, in effect, what is taking place now is that we will be seeing the effect of these changes. There were quite a lot of terminations, in fact, in October and November last year, which are in excess of the terminations that have taken place in January and February and they were because projects were coming to an end.

2235 So it is not that the size of the construction industry was growing until 8th December and started coming down on the 9th. That is not the correct interpretation of the information I am providing him with, if he cares to analyse it.

2240 The fact that there are terminations means that the notices have arrived telling us 'this person is no longer working for me'. It does not necessarily mean that the date of termination and the date of the arrival of the notice, you know... I do not know how long Volker Stevin will take to tell us that they have terminated contracts, but I can tell him that very few people actually keep to the seven days that the law says they should do it in and, as we know from previous discussions of speakers in the House, in some cases even the public sector. Last year we found it was months behind and there were people on the records of ETB who were no longer working there.

2245 So the answer is the level of unemployment amongst construction workers is not going up by anything that would reflect the level of reduction in employment levels that we are seeing, which are no different from what has been happening in the past in terms of the total figures. The total figures for October and November are higher than January and February this year. The total figures for January and February last year was that the figure in January was lower than this year but the figure in February was higher and, for the two months, a hundred more construction workers lost their jobs or were 'sacked', in his terminology, in the two months of last year compared to the two months of this year. So, in fact, less people are losing their jobs in these two months.

2250 Thirdly, within the machinery, within the staffing of the Employment Service, I had long ago an officer who was previously in the Construction Industry Training Centre whose job now is to identify the pool of construction workers amongst the unemployed or amongst people seeking employment who are interested in working in that industry. The whole idea is that, independent of the normal process of people being sent to jobs, if it is a construction job it goes to this person who has got a lot of experience of construction and can, therefore, do a better job in making sure that the people we send to the employer are people that the employer is more likely to accept. I think there was a tendency to send a lot of people and a lot of them were then sent back and the Employment Service said, 'Well, look, you are sending me people that cannot handle work on a building site.'

2255 We are hoping that, with the new addition to the Employment Service in the month of February, we will be seeing an improvement in the take-up of construction workers from the pool of skills we have resident in Gibraltar, but it is early days because we only started doing this at the end of February.

2260 **Hon. D A Feetham:** Yes, Mr Speaker, but there is a world of difference to a situation last year, where notices of termination were coming in but, in actual fact, employment within the construction industry in general was actually increasing because of the number of projects that were being undertaken, particularly in the public sector.

2265 What we face, what we now have, is a situation since *they* were elected into Government, whereby not only are we having very high levels of terminations of employment within the construction sector, but there are no jobs that are being created in this sector because you have *frozen* the Government projects that were a continuation of the projects that we were undertaking when we were in Government, and because you have also decreased the budget for GJBS from £6 million to £2 million.

2270 But, can he help me with this: out of the 287 notices of redundancies, how many of those are residents of Gibraltar?

Hon. J J Bossano: According to the returns from the employers, 60.

2275 Can I just say, Mr Speaker, in answer to all his preliminaries, first of all, I do not know where he gets the information that we would reduce £6 million from the budget of GJBS. GJBS does not have a budget that is reduced or increased. They do work for the Government. I can tell him, certainly, that the level of the construction industry of which he is so proud last year was on the basis that the Government spending, and the spending of Government companies, in projects done by the construction industry last year was of the order of £220 million.

2280 Four years ago, after the 2000 Election, the I & D Fund was running at £30 million or £40 million a year and it went from £40 million to £220 million. Does he really think that Gibraltar can spend £220 million indefinitely?

2285 **Hon. D A Feetham:** No, I don't. No, I don't, actually. I don't think that. But if you bothered to listen to my original question, I do not dispute the fact that that could not have continued on indefinitely. Nor do I dispute that it is your prerogative to plough the money into whatever projects you want. Nor do I dispute that you have got the prerogative to actually stop projects.

2290 What I *am* saying is – and I am putting it to you – that the way you have dealt with this, the way that you have just simply put a stop to all these projects, that that has had a knock-on very severe effect on this particular sector and that is the reason why we are seeing all these notices of redundancies which are not being also replaced within the sector.

2295 But just coming to another supplementary, which is unrelated to that, out of the 287 there are 60 and, leftover from the figures that he gave me in January, are 36 residents who have not been employed. Does he not accept and agree with me that that is an unacceptably high level of unemployment in this particular sector of resident workers?

Hon. J J Bossano: Mr Speaker, I have to repeat that either the hon. Member does not understand, or he does not care, what answers he gets and continues saying the same thing.

2300 I have told him, as an example, that of the 14 that were originally terminated, only seven have emerged as seeking employment. Fifty per cent of the 14 have simply 'disappeared'. Of the remaining seven, four are registered as unemployed and three have been employed. I have no idea how many of the 60 that we have been told by employers... Remember that what we are relying on here is a termination of employment which

2305 says that company A has terminated the employment of 20 workers. We then look at the 20 workers, and when I say 'we', I mean the people that are employed in the service, look at the 20 workers to prepare this answer for me and they prepare a supplementary in case you wanted to know how many were residents, on the basis that I assumed he would ask me that supplementary...

The answer is that they found that, of the 10, the employer claims that three have a Gibraltar address. What we have found is that, in fact, the Gibraltar address may be just that... the Gibraltar address, but not that the unemployment is going up by the numbers of people that one would anticipate from the terminations.

2310 To my knowledge, this is not a new phenomenon. They tell me that this is, in fact, something that is not abnormal and that, therefore, the fact that there are 200 people who lose their jobs, of whom 150 have got addresses in Spain and 50 have got addresses here, does not mean that over 50 that have got addresses here were actually living here and not that they were using other services, which required the Gibraltar address – because, in fact, the Employment Service does not actually go out and check that people are living where they say they are.

2320 **Hon. D A Feetham:** With respect to the hon. Gentleman, he appears to be giving us all the excuses that he was criticising Mr Montiel, when he was on the benches opposite, was actually giving him explanations about unemployment figures, because what you appear to be saying in relation to the seven is this: these seven do not want employment and that is why they have not registered themselves in the ETB. So, by definition, what you have is people who do not want to work and when Mr Montiel used to make that precise point to him, he used to say, 'Well, hang on a minute. How could you possibly say that? These poor people.'

2325 What is he doing in relation to those seven? Is his Department, for example, making enquiries as to whether those seven have just simply dropped out of, or have not registered, with the ETB? Because, for example, they may be depressed at the fact that they have lost their job or because the ETB is not listening to them, when they have perhaps gone back and attempted to sign on. Have you made any efforts in relation to those seven because you certainly criticised Mr Montiel when he gave the same answers to you?

2330 **Hon. J J Bossano:** Mr Speaker, Mr Montiel did not give the same answer to me because he did not give me the level of information I am giving the hon. Member opposite and, therefore, I could not ask the supplementaries that he is asking.

2335 Mr Montiel used to say about people not being interested in working, of the people who were registered... At no stage did Mr Montiel, or anybody else in the last 15 years, tell this House how many of the people who were losing their jobs in fact did not surface as seeking employment.

If the people that have terminated the employment and are entitled to come and register and collect unemployment benefit, having done it, I do not believe that it is because they are suffering from depression. I think a more probable explanation is that they are, probably, having finished work and knowing that they have got six months in which to register, going back home to Morocco, where they came from.

2340 So, in fact, it is a fairly normal pattern that many Moroccans, who are entitled to 13-week unemployment benefit within 26 weeks, do not register and claim it immediately. So, in the case of the four, that seems to me a more logical explanation, but I have not sent anybody with a search party to try and hunt them down.

2345

**Future Job Strategy
Employment Training Company Ltd expenses**

Clerk: Question 257, the Hon. D A Feetham.

2350

Hon. D A Feetham: Can the Minister for Employment state, since the last session of Parliament, how many employers have signed contracts under the Future Job Strategy, agreeing to refund the expenses incurred by Employment Training Company Limited in training that individual if he or she is not employed at the end of his training?

2355

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Five employers, as at the end

of February.

2360 **Hon. D A Feetham:** Five employers in relation to five trainees?

Hon. J J Bossano: That is correct. In nearly all the cases the employers have just one trainee here.

2365 **Hon. D A Feetham:** There are 450 people, trainees, that are within the Future Job Strategy scheme and I think, in answer to questions in January, he said that he wanted to increase the numbers to 800 / 900 during the course of the next financial year.

Does he not accept that, in the light of the very low numbers of employers that have signed these contracts, he is not able to guarantee these people jobs, as he promised in his manifesto?

2370 **Hon. J J Bossano:** Well, Mr Speaker, the supplementary is the one that precedes the one about am I 'conning' them, so the answer to this supplementary is the answer that I gave to the previous supplementaries on the same subject.

2375 All I can tell him is that, in all these cases, we are dealing with people that were not initially expecting to be asked to give the jobs. That should not happen with the new ones that come into the scheme as we progress. The second thing is that, of course, he will see that his fears that everybody would sign because the commitment was not worth the paper it was written on does not seem to be shared by the employers, who do not seem to be so happy to sign as he thought they would be.

2380 **Hon. D A Feetham:** Well, I have to say that if he judges a victory by the five employers that he has managed to persuade to sign his contracts, the Future Job Strategy as a concept is worse than I thought.

But what happens, Mr Speaker, what happens, in a situation where somebody, as there must be situations like that, of trainees that are already working with employers, that have been placed with employers, and those employers do not sign these contracts? What happens to *that* trainee in *that* placement?

2385 **Hon. J J Bossano:** Before I answer that question, Mr Speaker, that remark about the victory: I haven't said anything about any victory. What I was saying was that when he gave me what he described as friendly advice, and told me that I should insist not just that they give them a job, but that they have to sign for one year, it must be because his judgement was that they would all be willing to sign if there was no year, but that the year would make it more enforceable. I would, by his analysis, if I had followed his advice, it is possible
2390 that nobody would have signed, in which case he would have been able to accuse me of an even greater failure. So maybe that was what he was really after, and not friendly advice at all. (*Laughter*)

2395 Secondly, Mr Speaker, the position is that the trainees that are there are still the ones in February. The ETCL ones that have come in since are the ones that only completed... they came in during the month of February. Their one month is still not up and, therefore, and even some of the people, for example, of the original 70 that I identified, who said they were willing to sign the agreement, five have done so by 29th February. We hope that more will, but if it doesn't, what will happen will be that we will remove the trainee from them and put them with somebody else.

2400 **Hon. D A Feetham:** Yes, because, does he not agree with me that, if he were to do otherwise, it would not be fair on the employers, the five employers, that have signed contracts?

Hon. J J Bossano: Precisely, yes. Of course, it would not be fair.

2405 **Hon. D A Feetham:** And he is still satisfied, even in the light of that, that he is going to be able to not only produce contracts of employment for 450 trainees but also for the 800/900, which is the number that he expects this to grow to during the next financial year?

2410 **Hon. J J Bossano:** Mr Speaker, when the hon. Member has an opportunity to look at the Estimates of Expenditure for the forthcoming financial year he will see that reflected.

Mr Speaker: Would this be a convenient moment for our 10-minute recess?
This house is recessed for 10 minutes

2415 **Hon. Chief Minister:** Mr Speaker, only with this caveat, that it is my intention that the House should rise at 12.30, so if that is...

Mr Speaker: I will survive for 20 minutes.

2420 **Hon. Chief Minister:** Very much obliged, Mr Speaker

**Future Job Strategy
Government placements**

2425 **Clerk:** Question 258, the Hon. D A Feetham.

2430 **Hon. D A Feetham:** Is the Minister for Employment in a position to state whether any trainee under the Future Job Strategy is being placed in a post, or used to cover anyone on maternity leave, in any Government Department, Authority or company?

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment

Minister for Enterprise, Training and Employment (Hon. J J Bossano): No, Mr Speaker.

2435 **Hon. D A Feetham:** Well, Mr Speaker, I know of at least one.

Does he not agree with me on this, that the use of Future Job Strategy trainees to cover maternity leave would be wrong and also would not be supported by the Government?

2440 **Hon. J J Bossano:** Well, Mr Speaker, the one that he knows about is the one that he mentioned in the last meeting of the House. We identified the individual, and the individual told us that her preferred option was to be in the job strategy, so we have kept her there at her request. I mean I was not going to take her off it simply because the hon. Member thought it was not a good idea. So I do not understand. Certainly it is, the ETB is not sending people to cover maternity leave.

2445 If the Health Authority use this person that they intended to use anyway, having asked her before this scheme was in place, having asked an employment agency to send them somebody, the employment agency opened the vacancy in the ETB, the ETB sends somebody to the employment agency, the employment agency sends him to the Health Authority, who then pays the employee and the agency – and we selected this same person and send them to the Health Authority. So the Health Authority received the same person from two sources.

2450 I did not know this until the hon. Member brought it to my attention the last time. I told him I would investigate. Having investigated – I have not spoken to the person myself and I do not know who she is – I got somebody from the Department, and they came back and told me that they have told her that she was able to leave the employment company, join the GHA as a supply maternity cover and she chose not to do that. She said she preferred to stay with the company and not do that. So we have not changed her because, you know... I am grateful to the hon. Member who brought this anomaly up, for to my attention, but I hope he

2455 accepts that we are not going to force her to go down the route that she does not want to go.

Hon. D A Feetham: No, absolutely, if we are talking about the same person absolutely not.

2460 But is the answer, then, to my question, which was not about the individual itself, that the Government would not support the use of Future Job Strategy trainees to cover maternity leave within any Government Department, Authority or company?

Hon. J J Bossano: Well, I cannot say that the Government would support or not support it.

2465 It is certainly not from the Employment Service: we are not providing maternity cover from the Employment Service, as such. That is not our role. If, in fact, somebody in some Department says, 'Well, I would like to have somebody sent as a trainee because I have got a lot of work to do,' I mean, it so happens that there is somebody on maternity there, before, during or after, and they do not take somebody to cover the

maternity, in many of these areas... the complement is supposed to contain cover, in some cases.

2470 In budgets there is money to bring in somebody to cover maternity and, in other cases, in budgets there is no provision, so you cannot say in all cases there is an automatic amount of money that says, well, the complement of the place is built in on the premise that, on average, there will be so much sick leave, so much annual leave and so many maternity. Or there is a budget for temporary cover which, some people have it... In the Health Authority they have it and this is why the Health Authority was going to use the temporary cover provision which, last year, the Government moved to the Treasury because it was getting out of control.

2475 I think that was the explanation that was given to me by the Leader of the Opposition at the time in the budget when he... the temporary relief cover that was taken away from the Health Authority because it was getting out of hand, and it was controlled from the Treasury.

2480 Well, not every Department has such a pot of money, right, so what I cannot guarantee him is that, in a place where there is a trainee, there will never be a situation where somebody goes on maternity leave. But the trainee has not been sent there for that purpose and to cover that vacancy. That I can tell you.

2485 **Hon. D A Feetham:** But doesn't he agree with me that it is not an issue of money within the... It is not an issue of money or allocation to maternity leave, this is an issue of the hon. Gentleman having devised a strategy, the Future Job Strategy, which *he* says, and he still maintains, is a new training strategy in order to train individuals and, in the light of that, it is entirely wrong to be sending somebody, within a strategy that is designed to train that person for a full time job at the end of it, to cover for somebody on maternity leave.

2490 **Hon. J J Bossano:** Mr Speaker, I really do not know what I can do with the hon. Member when I give him the answers and he asked me the question as if I had not said anything! (*Laughter*). I have already told him. Yes, I did give him an answer.

2495 I told him *specifically* it is the Employment Services role not to provide maternity cover to Government Departments, agencies or Authorities. That is what I have told him. What I have said to him is what he cannot come tomorrow and say, 'Well, you send somebody to the Tax Office and now there is somebody on maternity leave, so that means the trainee is now doing the work that the people on maternity leave were doing.'

Hon. D A Feetham: That is not what I am getting at.

2500 **Hon. J J Bossano:** Well, if that is not what he is getting at then he has had his answer.

Future Job Strategy Details of placements

2505 **Clerk:** Question 259, the Hon. D A Feetham.

2510 **Hon. D A Feetham:** In relation to the Future Job Strategy, please provide details of where each and every trainee has been placed and ordered to undertake their training under that strategy. For the avoidance of doubt, there is no need to identify the trainee by name.

Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment

2515 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** At 29th February, 255 trainees were placed in the private sector and 66 trainees in the public sector.

2520 **Hon. D A Feetham:** Is the hon. Gentleman not concerned by the high levels of trainees in the public sector, as compared to trainees in the private sector, bearing in mind that the whole point, my understanding of it and the explanations that he has given in this House, not during the General Election, but my understanding is that the aim is to place these people in full time employment in the private sector.

Hon. J J Bossano: Well, Mr Speaker, I think we have already dealt with that in answers to the previous

2525 questions, but I would repeat it to him. The 66 in the public sector are going to be going up because, of the 255, the more people we find say 'we are not going to give the guy a job', we are not going to have somebody in a private firm where the private sector does not really have anything to provide him in terms of work or skills, where the private firm thinks they are doing us a favour, where we are paying that person £912 so, rather than have him parked in a private firm, it is better to have him in the public sector because, at the moment, as he knows, only five have told us they are going to give the people a job.

2530 So that is covered by the answers I have already given him. The answer is that this is not a situation that we want to finish up with: this is a situation that we have today on 29th February.

2535 **Hon. D A Feetham:** Is it the position of the hon. Gentleman that none of the 259 will end up in full time employment in the public sector, or does he have, perhaps, an idea of how many – in his projections – trainees may end up being employed in the public sector?

Hon. J J Bossano: Mr Speaker, the 255 are all in the private sector

2540 **Hon. D A Feetham:** In answer to the question originally, you said 259 in the public sector and 66 in the private sector. Have I understood that wrong.

Hon. J J Bossano: No, the other way around. There are 255 trainees placed in the private sector and 66 in the public.

2545 **Hon. D A Feetham:** That makes sense because, in fact, it would not have correlated with the figures that you have already given me.

Hon. J J Bossano: The same figures.

2550 **Hon. D A Feetham:** Exactly.

2555 But out of those 66 is there a number he has in mind of, because he must have, at some stage, sat down and said, looking at all these trainees – and I know there is a question in the order paper later on about the training skills audit – looking at the employment market in general, looking at all these trainees, looking at their profiles, these areas are the areas that, perhaps, we can find them employment within the private sector, but there might be some a number that may end up in the public sector? Has he done that analysis and, if he has done that analysis, does he have a figure – which I am not going to keep him to in the future – but does he have a figure of people that, perhaps, might end up in the public sector?

2560 **Hon. J J Bossano:** Of the 66, well, I think that probably most of the ones that are concerned in health training, because those people have a job guarantee. We are talking about, maybe, 20 of them.

Hon. P R Caruana: Mr Speaker, the Minister may already have said this whilst I was distracted, but the definition of private and public sector here is the one that we have traditionally become used to when we were in different places in this House, each of us.

2565 **Hon. J J Bossano:** All the Government companies would be in the public sector.

Hon. P R Caruana: Government companies, agencies, all statutory authorities are private and any and all.

2570 **Hon. J J Bossano:** Private is private.

Hon. P R Caruana: And AquaGib, which the Government has a minority shareholding in, does he know, offhand, where that one is categorised? You may need notice of the question.

2575 **Hon. J J Bossano:** Well, I can tell the hon. Member that it is based on the definition that we include in the Employment Service report.

Hon. P R Caruana: So they are private sector.

2580 **Hon. J J Bossano:** So, you know, if they are classified there as private, then in all the answers we will give, we will call them the same definition.

Hon. J J Netto: Can I ask a supplementary question to the Hon. Minister for Employment?

Does he know, of the 259 trainees that will be placed in the private sector, how many, potentially, of those trainees could end up with a mutually recognised qualification at the end of the training period?

2585 **Hon. J J Bossano:** At the moment the only people that we have got, as at 29th February, with a commitment that they will be employed, are people in the five employers that have got five employees – and they are not doing any training which has to do with obtaining a specified NVQ or any other kind of qualification. They are just being trained, because they were placed there beforehand. That is to say, these are people who have been, maybe, six months last year and we came in in December: their six-month period was due to end and I gave instructions to Bleak House not to terminate the training period for anybody, to let them all stay on and the five employers and the five employees that have been taken on so far, or there is a rigid commitment that they will be taken on, are all the ones that were there already...

So, of the 255, they are only doing training with a qualification at the end, if they were doing it already.

2595 **Hon. J J Netto:** What I am trying to focus my question on is not necessarily... which is important, obviously, if a person, at the end of the training period, gets an offer of employment, but, leaving that aside, what I am trying to focus my mind is, of those 259 who are now being placed in the private sector, does he know how many of them will end up, potentially, if they fulfil the requirement of the training package with a mutually recognised qualification? That is what my question is aiming for.

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Hon. J J Bossano: I think there is another question on that, but...

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**Future Job Strategy
Length of contracts of employment**

Clerk: Question 260, the Hon. D A Feetham.

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Hon. D A Feetham: In relation to the Future Job Strategy, please state the length of the contracts of employment with Employment Training Company Limited of every trainee employed by that company under that Strategy. For the avoidance of doubt, there is no need to identify the trainee by name.

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Clerk: Answer, the Hon. the Minister for Enterprise, Training and Employment.

2620 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** All the trainees in the Employment Training Company have got a contract of employment for a maximum period up to the end of December 2012 and, therefore, the length of the time of the contracts now is on the basis that they all end in December, but it is not that we expect them all to be unemployed in January. In some cases it is written as a maximum, because an employer may be willing to take somebody on before December.

2625 **Hon. D A Feetham:** And that includes, does it not, people who, for example, had training contracts with the Construction Centre that exceeded 11 months, that were for two or three months for the length of the period which they would end up with an NVQ qualification? Correct?

2630 **Hon. J J Bossano:** Well, it includes them. The only thing that I want to point out is that they did not have contracts with Bleak House. They were receiving a payment from Bleak House, but it was not a contractual relationship. The contract that they had was with the Training Centre for the training. So the training was provided by one entity and the payment was provided by another. We have replaced the entity that pays. The entity that trains continues to provide the training, as contracted.

During the course of this year, there will be a number of changes, in order to – it will put everybody into the same system to start off within February but, for example, the people that are in sheltered employment

2635 will be moved to contracts that will give them permanent, open-ended contracts and not one-ended. The people who are training with specific dates will have their contracts adjusted so that the payment is linked to their continued period of training, but this has not happened yet.

2640 **Hon. D A Feetham:** So, in other words, those people that were on three-year contracts with the Training Centre, in order to obtain their NVQs, that have now been placed on 11-month contracts with Employment Training Company Ltd, what you are saying is that they will have their employment contracts with Employment Training Company Ltd extended for the three-year period that it takes to complete the NVQ? That is correct?

2645 **Hon. J J Bossano:** Not in all cases, because, of course, they are not all in the first year. We have got people in the first, second and third year. I think there are 40 that came into this year's intake and, therefore, their contract will have to be changed on the basis that it has to be linked to the continued attendance at the Centre. At the moment, the contract of employment with the employment company does nothing other than pay them a wage, instead of paying them £450.

2650 But, as we go through the system, we will then have, for example, of the people in the Construction Training Centre, we would have to do different contracts for the people who are about to finish this year, where it says 'up to 11 months', but they are not going to be up to 11 months in the company, because they will be completing their training and getting their level 3 NVQ later on this year.

2655 In the cases of the people in the second year, there is a different time period. In the cases of those who came in last year, which I believe was about 40, what they tell me from the Construction Training Centre is that there is generally quite a high level of wastage in the beginning, so we need to link to attendance and to performance the contracts where you do not have the situation where somebody walks out of a Training Centre tomorrow and there is still a contractual obligation to pay him £912 for the next two and a half years.

2660 **Hon. D A Feetham:** Just on that, are you saying that, effectively, what there is, the situation there is now, is a contract with the Employment Training Board, which is a contract of employment, where they are being paid, but then there is a separate contract with the Training Centre in respect of their training? Is that the position?

2665 **Hon. J J Bossano:** The position is that when they enter into the training programme, they enter the training programme which was to attend and to go to the Construction Training Centre and so forth for a period of time, to pass certain courses, to do it successfully before they can go up from year 1 to year 2. All that is unchanged. Right?

2670 In addition to that, they were with Bleak House shown as employees of Bleak House, on £415 a month, even though they did not have an employment contract and the law specifically excluded people on Government training schemes from being included in the definition of 'employee'. The Bleak House contract, for want of a better word, because it was not in the standard terms of employment that we have that say you are entitled to so much and with leave and sick leave and so forth, which they now have... That is what has replaced the Bleak House arrangement and that is no different, whether you are in the Training Centre, or in the Tax Office, or in the private sector. Everybody has got one standard terms of employment piece of paper and that is true of all of them.

2675 In the case of the people in the Construction Training Centre, the period ending in December was simply because, on 1st February, we took everybody that was there in January and gave them this new contract and registered them with the employment company and the contract says 'a contract is up to 11 months', so it was not a defined, closed contract, it was a contract with a maximum life of 11 months. It is those contracts, in the case of the construction trainees, that now has to be altered to fit whether you are in year 1, year 2, or year 3 and to put, in their case, conditions related to performance with their training, which does not exist in the places of others, because they are in a structured training programme, where the Construction Training Centre can say, look, you have failed level 1, you cannot go to do level 2.

2685 **Hon. D A Feetham:** Is there a risk here of a mismatch between the rights and duties of employer and employee, particularly the rights of employees in this kind of situation, in this way, that they are employed by Employment Training Company Ltd, but then they have got a separate contract, a training contract, with the Training Centre?

2690 Is he satisfied that employees are protected and, at the end of the day, the whole purpose of employing them by Employment Training Company Ltd was to give them employer/employee rights? Is he satisfied that those people are adequately protected in a situation whereby the Training Centre may terminate their training, which effectively means the end of the whole purpose of placing them there, in terms of, for example, had the company itself terminated, then the employee would have been able to claim unfair dismissal against the company whereas, if the Training Centre terminates that contract of employment, what would happen to the employee in that kind of situation?

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Hon. J J Bossano: Mr Speaker, the Construction Training Centre does not employ them, so there is no –

Hon. D A Feetham: [*Inaudible*]

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Hon. J J Bossano: – contract of employment with the Training Centre, which the hon. Member...

If somebody is going to the college and the college says to him, you are being a nuisance in the classroom, go home, the guy's employment with the Employment Training Company does not cease, whether he is in a Construction Training Centre or doing any other course, but to the extent that there are people with different completion dates of their training, the employment contract has to adjust for the fact that what we cannot do is... there are people carrying on training, whose wages suddenly stop. Under the previous system their £450 was not tied to a period of payment, it was tied to a period of training. So if somebody was sent to do training in the private sector for six months on a six-month placement, then automatically, at the end of the placement, they came back and that was the end of the story.

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With the new system, since what we have got is an employment contract, the employment contract has been done the same for everybody in the first month of February. As we progress, we have to improve that system so that the employment contracts relate, for example, if somebody is studying to be a nurse, and is in the nursing school and is getting not the £450, which the hon. Member told me earlier they are still getting, but £912, what we have to do is link the employment to the period they are going to be training because after the training there is a job guarantee, so the employment will end with the employment company and will start with the Gibraltar Health Authority.

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In the case of people in the Construction Training Centre, there is no guarantee of employment at the moment but, clearly, from what I have told the hon. Member that we are already doing in having a dedicated section of the Employment Service, where what we have done, we have transferred to the Employment Service somebody who was in the Training Centre as an external assessor and therefore knows exactly what the training is that is going on. What we expect is that we will do what we think is something that is important and that is to ensure that the training is leading to employment. We may not be able to do it for the people who are coming out this year, because the timescale is too short, but we certainly want that to be happening for the people in year 2 and for the people in year 1, who finish in a year or 18 months' time and in three years' time. So when they come to the Construction Training Centre, we have already got an employer lined up for them. That will be done, partly because of the placements that we do in the interim.

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The reality of it is that we need to review the way the training is being provided, because some employers have already had meetings with me, telling me that the skills that we are imparting are not the skills that they require. Therefore, I think it has to be done in that way. So the whole idea is, in fact, to avoid a mismatch, that the hon. Member quoted. I have not been advised with anything that such a mismatch exists, but certainly it is not something we want to finish up with.

Hon. Chief Minister: Mr Speaker, I have the honour to move that the House do now adjourn to 3 p.m. when we will continue with Question 314.

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Mr Speaker: Is that convenient to all hon. Members?
This House will adjourn to 3 p.m. this afternoon.

The House adjourned at 12.35 p.m. and resumed its sitting at 3.00 p.m.