



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 4.18 p.m.

Gibraltar, Thursday, 19th July 2012

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

Questions for Oral Answer

SPORTS, CULTURE, HERITAGE AND YOUTH

Question 598 – Fire prevention courses Supplementary information

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may, this morning I told the hon. Lady that I would give her some information in relation to Question 598 about the costs of the fire courses.

5 The cost of the basic safety courses is £20 per person and each company is charged for the use of the extinguishers between £50 and £60, depending on the number of people attending.
Thank you.

Hon. Mrs I M Ellul-Hammond: I appreciate that, Mr Speaker, Minister.

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Procedural

Chief Minister (Hon. F R Picardo): Mr Speaker, before we carry on with the session this afternoon, can we take off our jackets?

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Mr Speaker: Yes, certainly.

25

EQUALITY AND SOCIAL SERVICES

**Looked After Children
Training programmes**

30

Clerk: Question 632/2012, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if further progress has been made in finding suitable training programmes for the remaining Looked After Children referred to in Question 524/2012; and, if so, what the training will consist of, when the training will start and who will provide the training?

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

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this Question now applies to three Looked After Children, for the reasons explained to the hon. Member, on a confidential basis.

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With regard to these three Looked After Children referred to in Question 171/2012, I can say that progress continues to be made. Given that now there are only three children involved and they could potentially be easily identified, as such I am providing the hon. Member with further detailed information on a confidential basis.

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**Care Agency residential homes
Recordable acts of violence**

Clerk: Question 633, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency residential homes, since this question was asked in Question 526 to date; and, if so, could the Minister provide a breakdown showing the date of the incident or incidents, whether the incident or incidents were between children or between children and staff and whether, as a result of the incident, medical attention was required, either in the home or in the hospital and for what purpose?

60

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

Minister for Equality and Social Services (Hon. S J Sacramento): Mr Speaker, since this question was asked in Question 526/2012, there have been seven incidents.

I now hand the hon. Member a table stating the requested information.

ANSWER TO QUESTION 633 OF 2012

Date	LAC to LAC	LAC to Staff	Medical Attention/Residential Home or Hospital	What purpose
25/06/2012		Yes	None required	
26/06/2012		Yes	None required	
27/06/2012		Yes	None required	
03/07/2012		Yes	None required	
03/07/2012		Yes	None required	
10/07/2012		Yes	None required	
12/07/2012		Yes	None required	

65 **Hon. S J Sacramento:** None of the incidents resulted in the need for medical attention. Many were extremely mild, such as, for example, spitting or kicking the back seat of the car.
I am providing the hon. Member with some further details on a confidential basis.

70 **Hon. J J Netto:** Mr Speaker, if the further confidential information... it is not this one. Is there something else that you are referring to?

Hon. Miss S J Sacramento: Yes, Mr Speaker, it is on its way round.

75 **Mr Speaker:** I think it is clearly marked in red that it is confidential.

**Care Agency residential homes
Looked After Children who have absconded**

80 **Clerk:** Question 634, the Hon. J J Netto.

85 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any Looked After Children in any of the Care Agency residential homes who have absconded since this question was asked in Question 527 of 2012; and, if so, state how long the absconding lasted, whether the absconding was in Gibraltar or Spain, and whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

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

Minister for Equality and Social Services (Hon. S J Sacramento): Mr Speaker, since this question was asked in Question 527/2012, there have been three incidents of absconding.

I now hand the hon. Member a table with the requested information.

95 In addition to these incidents there is also the issue of the 17-year-old from the Republic of Guinea, as explained in Question 404/2012. The young person in question was formally discharged from care on 11th July 2012.

ANSWER TO QUESTION 634 OF 2012

Name of LAC	Date	Length of LAC absconded	Any track record of violence towards staff or LAC	Absconding in Gibraltar or Spain
A	23/06/2012	2 hours 30 minutes	Yes	Gibraltar
B	23/06/2012	13 hours 15 minutes	No	Gibraltar
B	25/06/2012	17 hours 40 minutes	No	Gibraltar

100 **Hon. D A Feetham:** Yes, Mr Speaker, the hon. Lady has mentioned a child from Guinea who has been discharged from care because... well, he is 17 years old. I thought she said that he is 17 years old. No?

105 **Hon. Miss S J Sacramento:** No, Mr Speaker, that is not the reason why he has been discharged from care. He has now been discharged from care because, as the hon. Member may recall, this is in fact the third session of this House in which I refer to this case. This is a child who absconded from the care of the Care Agency months ago and given that he has not returned to care, it is believed that he is not in Gibraltar. The case has now been formally discharged.

110 **Hon. D A Feetham:** So effectively, what we have is a position that he has been discharged from care because he cannot be found in Gibraltar. He has absconded and effectively he is, if I can put it that way, at large?

Hon. Miss S J Sacramento: Yes, Mr Speaker, that is the case.

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**Care Agency
Details of employees**

Clerk: Question 635, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, following the presentation of the new Estimate Book for 2012-13, can the Minister for Social Services provide a breakdown by grade, location and nationality of all employees currently in the employment of the Care Agency as at the end of June 2012?

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

Minister for Equality and Social Services (Hon. S J Sacramento): Mr Speaker, I will now hand the hon. Member the requested information.

ANSWER TO QUESTION 635 of 2012

BRUCE'S FARM			
GRADE	TOTAL	LOCATION	NATIONALITY
ADMINISTRATOR	1	BRUCE'S FARM	BRIT/GIB
COUNSELLOR	3	BRUCE'S FARM	BRIT/GIB - 2 BRIT/UK - 1
HOUSE MANAGER	1	BRUCE'S FARM	BRIT/GIB
CARE WORKERS	9	BRUCE'S FARM	BRIT/GIB - 6 BRIT/UK - 1 SPANISH - 2
ADMIN OFFICER (P/T)	1	BRUCE'S FARM	BRIT/GIB
	15		

CHILDREN'S RESIDENTIAL			
GRADE	TOTAL	LOCATION	NATIONALITY
RESIDENTIAL HOME MANAGER	1	TANGIER VIEW	VACANT
UNIT MANAGER	6	TANGIER VIEW	BRIT/GIB - 5 BRIT/UK - 1
CARE WORKERS	34	TANGIER VIEW	BRIT/GIB - 18 BRIT/UK - 4 SPANISH - 10 GERMAN - 1 HUNGARIAN - 1
CARE WORKERS (P/T)	6	TANGIER VIEW	BRIT/GIB - 3 SPANISH - 3
TEACHER (P/T)	1	TANGIER VIEW	BRIT/GIB - 1
	48		

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CONT'D ANSWER TO QUESTION 635 of 2012

DISABILITY			
GRADE	TOTAL	LOCATION	NATIONALITY
MANAGER	1	DR GIRALDI	BRIT/UK
REGISTERED NURSE	6	DR GIRALDI	BRIT/UK
UNIT MANAGER	4	DR GIRALDI	BRIT/UK - 2 BRIT/GIB - 2
ADMIN OFFICER (P/T)	1	DR GIRALDI	BRIT/GIB
CARE WORKER	64	DR GIRALDI	VACANT - 2 BRIT/GIB - 23 BRIT/UK - 24 SPANISH - 12 DUTCH - 1 ITALIAN - 2
DOMESTIC	6	DR GIRALDI	BRIT/GIB
MANAGER	1	ST BERNADETTE'S	SPANISH
DEPUTY MANAGER	1	ST BERNADETTE'S	BRIT/UK
OCCUPATIONAL THERAPIST	1	ST BERNADETTE'S	BRIT/UK
ENROLLED NURSE	2	ST BERNADETTE'S	BRIT/UK BRIT/GIB
ADMIN OFFICER (P/T)	1	ST BERNADETTE'S	BRIT/GIB
CLASS ROOM AIDE	2	ST BERNADETTE'S	BRIT/GIB
CARE WORKERS (P/T)	22	ST BERNADETTE'S	BRIT/GIB - 16 BRIT/UK - 2 SPANISH - 4
	112		

CONT'D ANSWER TO QUESTION 635 of 2012

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SOCIAL SERVICES			
GRADE	TOTAL	LOCATION	NATIONALITY
TEAM LEADER	4	SOCIAL SERVICES	VACANT
			BRIT/UK - 2
			BRIT/GIB - 1
SENIOR SOCIAL WORKER	3	SOCIAL SERVICES	BRIT/GIB - 3
COUNSELLING PSYCHOLOGIST	1	SOCIAL SERVICES	BRIT/GIB
SOCIAL WORKERS	16	SOCIAL SERVICES	VACANT - 1* growth post
			BRIT/GIB - 7
			BRIT/UK - 8
SOCIAL WORKER (P/T)	2	SOCIAL SERVICES	BRIT/UK
UNQUALIFIED SOCIAL WORKER	2	SOCIAL SERVICES - 1	BRIT/GIB
		SHOPMOBILITY - 1	BRIT/GIB
TRAINEE SOCIAL WORKER	1	SOCIAL SERVICES	BRIT/GIB
COMMUNITY SERVICE OFFICER	1	SOCIAL SERVICES	BRIT/GIB
HIGHER EXECUTIVE OFFICER	2	JOHNSTONE'S PASSAGE	BRIT/GIB
EXECUTIVE OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
ACCOUNTS OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
COUNSELLOR	1	SOCIAL SERVICES	BRIT/GIB
DAY CENTRE CO-COORDINATOR	1	SOCIAL SERVICES	BRIT/GIB
DAY CENTRE ASSISTANT (P/T)	1	SOCIAL SERVICES	BRIT/GIB
SHOPMOBILITY ATT/ADMIN OFF	1	JOHNSTONE'S PASSAGE	BRIT/GIB
HANDYMAN DRIVER	1	ST BERNADETTE'S	BRIT/GIB
ADMIN OFFICERS	15	SOCIAL SERVICES - 2	BRIT/GIB
		JOHNSTONE'S PASSAGE - 11	BRIT/GIB
		MOUNT ALVERNIA - 1	BRIT/GIB
		TANGIER VIEW - 1	BRIT/GIB
ADMIN OFFICERS (P/T)	9	SOCIAL SERVICES - 1	BRIT/GIB
		MOUNT ALVERNIA - 3	BRIT/GIB
		JOHNSTONE'S PASSAGE - 5	BRIT/GIB

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CONT'D ANSWER TO QUESTION 635 of 2012

NURSING GRADES			
GRADE	TOTAL	LOCATION	NATIONALITY
CLINICAL STANDARDS COMP DIR	1	MOUNT ALVERNIA	BRIT/UK
NURSING CO-COORDINATOR	1	MOUNT ALVERNIA	VACANT
DEPUTY NURSING COORDINATOR	1	MOUNT ALVERNIA	SPANISH
REGISTERED GENERAL NURSES	52	ELDERLY SERVICES	BRIT/GIB - 2
			BRIT/UK - 12
			SPANISH - 36
			POLAND - 1
			SOUTH AFRICA - 1
REGISTERED GENERAL NURSES (P/T)	2	ELDERLY SERVICES	BRIT/UK
TRAINING CO-COORDINATOR	1	MOUNT ALVERNIA	BRIT/UK
ENROLLED NURSE	1	ELDERLY SERVICES	BRIT/GIB
ENROLLED NURSE (P/T)	1	ELDERLY SERVICES	BRIT/GIB
NURSING AUXILIARY	1	ELDERLY SERVICES	BRIT/GIB
NURSING AUXILIARY (P/T)	1	ELDERLY SERVICES	BRIT/GIB
NURSING ASSISTANTS	120	ELDERLY SERVICES	BRIT/GIB - 44
			BRIT/UK - 7
			SPANISH - 59
CARE WORKERS	66	ELDERLY SERVICES	BRIT/GIB - 33
			BRIT/UK - 14
			SPANISH - 15
			POLAND - 3
			MOROCCAN - 1
PHYSIOTHERAPISTS	4	ELDERLY SERVICES	BRIT/GIB - 2
			VACANT - 2
ACTIVITIES CO-COORDINATOR	1	ELDERLY SERVICES	BRIT /UK
ACTIVITIES CO-COORDINATOR (P/T)	2	ELDERLY SERVICES	BRIT/GIB
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CONT'D ANSWER TO QUESTION 635 of 2012

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ELDERLY CARE			
GRADE	TOTAL	LOCATION	NATIONALITY
CHIEF EXECUTIVE	1	JOHNSTONE'S PASSAGE	VACANT
ELDERLY CARE MANAGER	1	MOUNT ALVERNIA	BRIT/GIB
HEAD OF ADMINISTRATION / FINANCE	1	JOHNSTONE'S PASSAGE	BRIT/GIB
FACILITIES & OPERATIONS MANAGER	1	MOUNT ALVERNIA	BRIT/GIB
FACILITIES OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
FINANCE MANAGER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
PERSONNEL MANAGER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
FINANCE OFFICER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
SALARIES OFFICER	1	JOHNSTONE'S PASSAGE	BRIT/GIB
PERSONAL SECRETARY	5	ELDERLY - 3	BRIT/GIB
		JOHNSTONE'S PASSAGE - 2	BRIT/UK - 1
			VACANT - 1
PERSONAL SECRETARY (P/T)	1	JOHNSTONE'S PASSAGE	BRIT/GIB
CATERING MANAGER	1	MOUNT ALVERNIA	BRIT/GIB
DOMICILIARY CARE CO-COORDINATOR	1	JEWISH HOME	BRIT/UK
COMM ELDERLY NEEDS CO-COORDINATOR	1	JEWISH HOME	BRIT/GIB
TECHNICAL OFFICER	1	MOUNT ALVERNIA	BRIT/GIB
STORES SUPERVISOR	1	MOUNT ALVERNIA	BRIT/GIB
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CONT'D ANSWER TO QUESTION 635 of 2012

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INDUSTRIALS			
GRADE	TOTAL	LOCATION	NATIONALITY
INDUSTRIAL TECHNICIAN	1	MOUNT ALVERNIA	BRIT/UK
MAINTENANCE OPERATIVES	2	MOUNT ALVERNIA	BRIT/GIB
SENIOR COOKS	2	MOUNT ALVERNIA	BRIT/GIB -1
			SPANISH
COOKS	2	MOUNT ALVERNIA	BRIT/GIB -1
			MOROCCAN -1
JUNIOR COOKS	5	MOUNT ALVERNIA	BRIT/GIB -1
			SPANISH - 4
KITCHEN ASSISTANTS	5	MOUNT ALVERNIA	BRIT/GIB -1
			MOROCCAN -2
			SPANISH - 2
DOMESTICS	25	MOUNT ALVERNIA	BRIT/GIB -12
			BRIT/UK - 1
			SPANISH - 9
			MOROCCAN -3
LAUNDRESS	6	MOUNT ALVERNIA	BRIT/GIB - 2
			BRIT/UK -2
			SPANISH - 2
LABOURER	1	MOUNT ALVERNIA	BRIT/GIB
CRAFTSMAN/PAINTER	2	MOUNT ALVERNIA	BRIT/GIB
ASSISTANT STOREMAN	1	MOUNT ALVERNIA	BRIT/GIB
LABOURERS (HYBRID STORES)	9	MOUNT ALVERNIA	BRIT/GIB -6
			BRIT/UK -1
			SPANISH -1
			MOROCCAN -1
DOMESTICS (P/T)	1	MOUNT ALVERNIA	BRIT/GIB
SEAMSTRESS (P/T)	1	MOUNT ALVERNIA	BRIT/GIB
CRAFTSMAN/PAINTER (P/T)	2	MOUNT ALVERNIA	BRIT/GIB -1
			BRIT/UK -1

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CONT'D ANSWER TO QUESTION 635 of 2012

INDUSTRIALS - CONTINUATION			
GRADE	TOTAL	LOCATION	NATIONALITY
COOK (P/T)	1	TANGIER VIEW	BRIT/GIB
COOKS	3	BRUCE'S FARM	SPANISH - 2
			MOROCCAN - 1
CARETAKER/DRIVER	1	ST BERNADETTE'S	BRIT/GIB
HANDYMAN/DRIVER	1	ST BERNADETTE'S	BRIT/GIB
CLEANERS	2	ST BERNADETTE'S	BRIT/GIB
PERSONAL CARE WORKER	2	ST BERNADETTE'S	SPANISH
	75		
TOTAL APPROVED COMPLEMENT	588		

130 **Hon. J J Netto:** Mr Speaker, just one question, as obviously one needs more time to assimilate the details of all of this, but one thing that struck me on the very first date on the top table there – because obviously the question relates to employees in location – I do not see in Bruce’s Farm any of the cooks. Remember that when we were doing the Estimate Book, the Appropriation Bill, I was asking the question whether ‘cooks’ are now defined as ‘industrials’; hence the reason why I could not see them in the column of the Establishment figures which is...

135 I am asking this particular question because I am trying to identify people in location, as opposed to whether they are white collar, blue collar, non-industrial, industrial, and I just spotted this now. Obviously, there may be other issues that with a bit of time I may be able to spot.

Is it perhaps because they are located somewhere else as cooks, perhaps under Mount Alvernia or something else? I am not quite sure.

140 **Hon. Miss S J Sacramento:** Mr Speaker, yes, the hon. Gentleman opposite is right to spot that because there are cooks at Mount Alvernia. It is regrettable that those who have prepared this for me have omitted them from the table, but I will provide an accurate table to the hon. Member. This is an oversight.

145 Obviously, it is an administrative error, because as I said last week, Mr Speaker, there are cooks at Bruce’s Farm, as well as Mount Alvernia.

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

150 **Care Agency employees
11-month contracts issued since 9th December**

Clerk: Question 636, the Hon. J J Netto.

155 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state how many 11-month contracts have been issued since 9th December in the Care Agency, and of those: (a) how many are British; (b) how many are Spaniards; (c) how many are Gibraltarian; (d) broken down by Grades; and the length of time in which prior to the issuing of the 11-month contracts, such employees have been working for the Agency, and if it is the intention of the Agency to permanently employ such persons upon the successful completion of the 11-month contract?

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

165 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, eleven 11-month contracts have been issued since 9th December in the Care Agency.

The breakdown by nationality is as follows: British/UK – three; Spanish – six; British/Gibraltarian – two.

I am handing the hon. Member a table with more detailed information broken down by grade.

170 These employees to whom 11-month contracts have been issued had not been working in the Agency previously.

Subject to successful completion of the initial contract period, i.e. subject to reviews, and other relevant policy considerations which may arise, it is presently the intention of the Care Agency to take on such employees indefinitely.

ANSWER TO QUESTION 636 OF 2012

RGNs

6 Spanish

3 British/UK

Care Workers

1 British/Gibraltarian

Social Workers

1 British/Gibraltarian

175 **Hon. D A Feetham:** Mr Speaker, to assist the hon. Lady, I think the three cooks actually appear under 'Industrials' in the final page of the schedule which she has provided.

Hon. Miss S J Sacramento: I am grateful for that, Mr Speaker.

180

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Sustainable traffic transport and parking plan

Tender for consultancy services

185

Clerk: Question 656, the Hon. D J Bossino.

190 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise whether the tender for consultancy services in relation to the sustainable traffic transport and parking plan has been awarded; and, if so, can he now provide further details of the services which will be provided by the tenderer?

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

195

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, no, sir. It has not been awarded.

200

Hon. D J Bossino: Is the Minister able to give me an indication as to when it is likely that the tender will be awarded?

Hon. P J Balban: Mr Speaker, the expression of interest has been submitted by consultants and the recommendations of the Tender Board is now with the Procurement Office. It is expected that the invitation to tender will be forwarded within the next couple of weeks.

205 Part two of the tender process – that is the time for consultants to prepare their bids – will be a minimum of 40 days from the issue of the invitation to tender to receipt of tender response.

210 **Car parking construction plans
Old Theatre Royal site**

Clerk: Question 657, the Hon. D J Bossino.

215 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether it is proceeding with the plans to construct parking at the old Theatre Royal site?

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

220 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government can confirm that it is proceeding with the construction of a multi-storey car park at the old Theatre Royal site.

225 **Driver Certificate of Professional Competence
Availability of tests**

Clerk: Question 658, the Hon. D J Bossino.

230 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services confirm whether the tests to obtain the Driver Certificate of Professional Competence are currently available to those individuals who want to take them?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, yes, sir. In accordance with the Traffic (Drivers Qualification and Training) Regulations 2008, the Driver and Vehicle Licensing Department has introduced and made available to applicants the Driver Certificate of Professional Competence (CPC) initial qualification tests.

240 **Hon. D J Bossino:** Mr Speaker, I would ask the Minister to perhaps focus on this a bit more, if he has a chance when he gets back to the office because the reason why I ask this question is that representations have been made to me in relation to this issue.

245 I am told that despite the Government's announcement in the press that these certificates would be available and the initiatives which the Government has undertaken to make these available to pay for certain... I think it is... the cost of the examiner is going to be met by the Government and if you are unemployed, then the cost of the test is also going to be met by the... The tests, if you are unemployed, the cost of that is also going to be met by the Government.

250 It has, I am told, attracted some interest, but people are going to the Licensing Department, and it seems that the civil servants on the ground are not aware of all the details, and all that they are asking the person who is interested is to leave their name and then they are going to be contacted. But the information I am receiving is that the people who are expressing an interest are not, indeed, being contacted.

255 I would ask the Minister to perhaps look into this in a bit more detail because the reality does not quite correlate with the answer he has just given this House.

260 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman needs to remember what I told him in the course of my Budget speech. I am going to assume, again, as I did then, that he knows what he is talking about and that therefore what he is asking us to do again, from this position, is to once again deliver to the other side a massive political slap in the face for not offering this sort of qualification for the past 16 years.

The introduction of this policy and the introduction of this type of test, once the political colour of the Government changed, I assume, given what he is saying, is something that he supports and he wants us to see through as soon as possible.

265

As far as we are concerned, we will, of course... and he said to the hon. Gentleman, in the course of his first intervention, that he should concentrate more on these issues when he gets back to his office. We will concentrate on this and all the other issues on which we are delivering for our community, in particular those on which there has been no delivery for our community in the past 16 years.

270

Hon. P J Balban: If I just may add, just for your information, since the introduction, 15 applicants have undergone the bus CPC and 29 applicants have undergone the lorry CPC.

275

Hon. D J Bossino: I am grateful for the Minister's reply, which I found much more useful than the Chief Minister's reply (*Interjections*) which at least... (*Interjections*) We are being asked to ask questions in order to elicit information and that is all I am doing in this House. I think I am keeping to that as best as I possibly can, but if that is the reply the Chief Minister wants to come up with, then so be it.

280

But it is simply to point out, Mr Speaker, that as far as I understand it – and I stand to be corrected – the professional competency test is in fact a new requirement, as the Hon. the Minister for Transport quite rightly explained at the last sitting of the House. So it is not a Government policy initiative; it is actually an EU legal requirement. Maybe the Chief Minister should himself do some homework.

285

Hon. Chief Minister: Mr Speaker, this is not a question of homework or of simply standing up and pretending to be the nice guy asking questions to elicit information, because when one prefaces one's question with, 'Will the hon. Gentleman agree to go back and do more work and concentrate more on this issue?' one is not asking an innocent question to ask and elicit information.

The hon. Gentleman knows me well enough to know that I am not going to let him get away with that, and that I am going to refer him back to *Hansard*, so that he can concentrate more on the way that he asks questions, if they really are just to elicit the information.

290

Look, Mr Speaker, this is an EU requirement. It is a new EU requirement, but it is an EU requirement that does not just transpose now. It is an EU requirement that has been there for some time and was not transposed by the hon. Members when they were in Government.

That is why, if it is a question of homework and he wants to reduce it to that, he needs to go back and do some homework himself.

295

Prohibitions and improvement notices Number issued June 2012

300

Clerk: Question 659, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Traffic, Health & Safety and Technical Services state how many prohibitions and improvement notices were issued in the month of June 2012, if any, broken down by industry group, and specifying the reason or reasons for issuing the notice in this period which may have brought operations to a halt, until the inspector was satisfied that the correct standard had been duly complied with?

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

310

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule, which I now hand over to him.

315

Given that the hon. Member is requesting this information at each meeting of the Parliament, in order to facilitate access to the data requested to him and to members of the general public, it will be added to the statistics published on the Government website on a monthly basis and will therefore mean that he will have the information without having to ask for it.

Answer to Questions 659

Enforcement Activities 2012

Prohibition / Improvement Notices Served - JUNE

	PN	IM
Industry Sector		
Electricity Supply/Related		
Water Supply/Related		
Shipbuilding/Marine Repairs		
Manufacture		
Construction	1	
Wholesale Trade		
Retail Trade		
Hotel Trade		
Restaurants, Bar etc		
Repairs Consumer Goods		
Sea Transport Related		
Air Transport Related		
Road Transport Related		
Post & Communications		
Bank, Finance, Insurance		
Public Admin & Natl Defence		
Police, Security, Fire Services		
Sanitary Services		
Education		
Medical & Health Services		
Horticulture		
Other		
Total	1	0

Hon. J J Netto: Mr Speaker, I notice that, all in all, there has been one, either improvement or prohibition notice which does not really tally with the kind of figures I have been getting in previous months.

320 The normal incidence of either prohibition or improvement seems to be much higher than one. Is there any particular reason? Is it perhaps because the Factory Inspector has been concentrating on some other type of work?

325 **Hon. P J Balban:** Mr Speaker, the Factories Inspectorate actually responds mainly to requests from members of the general public – they respond in that way. In fact, the figures show a prohibition notice, as opposed to an improvement notice because that is clearly on the spreadsheets. So that is the reason why, perhaps, they have not received any complaints or any requests in that time period.

330 **Hon. J J Netto:** Well, it can be for any of two particular reasons. Either because someone in particular phones them and they go out and look on site at whatever they deem to be unacceptable or as a result of their daily excursion out into various industry groups. It can emanate in different forms.

335 But the particular question I was asking for is that, given that we are talking of just one in that particular period, which is a figure much, much lower than would have been traditionally the case in previous months, whether there was some reason for this particular low figure in this particular month?

Hon. P J Balban: No, Mr Speaker, not that I am aware of.

340 **Factories Inspectors
Site meetings/advice given, June 2012**

Clerk: Question 660, the Hon. J J Netto.

345 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state how many site meetings and advice were given by the Factories Inspectors during the month of June 2012, and stating to which industry group this was given?

350

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedules, which I now hand over to him.

As already stated in my answer to the previous question, this information will be added to the statistics published on the Government website.

Answer to Questions 660

Monitoring Activities 2012

Inspections / Site Meetings / Advice

	JUNE
Industry Sector	
Electricity Supply/Related	
Water Supply/Related	
Shipbuilding/Marine Repairs	1
Manufacture	
Construction	32
Wholesale Trade	
Retail Trade	
Hotel Trade	
Restaurants, Bar etc	
Repairs Consumer Goods	
Sea Transport Related	1
Air Transport Related	
Road Transport Related	
Post & Communications	
Bank, Finance, Insurance	
Public Admin & Natl Defence	
Police, Security, Fire Services	
Sanitary Services	
Education	
Medical & Health Services	
Other	
Horticulture	
Unknown	
Total	34

355

Hon. J J Netto: Mr Speaker, any particular reason why there were 32 site meetings/advice for the construction industry and just one for shipbuilding and one for sea transfer related and none for the other industry groups? Any particular reason for this?

360

Hon. P J Balban: Mr Speaker, the actual construction industry encompasses a very wide range of sectors. It is not specifically the bricks and mortar industry. Construction will overlap between any repairs being done within a shop, which will come under, perhaps under the retail trade, or it could involve other industry groups.

So just because we see 32 on-site meetings or inspections or advice given, it does not necessarily mean that that is construction sites.

365

The reasons for the apparent disparity in the statistical monitoring activities of the construction industry from the rest of the industries is due to what the Factories Act defines as 'construction work', as was mentioned earlier, and construction work is considered and not limited... and I will quote what this includes: alterations; conversions; fitting out; commissioning; renovations; repairs; upkeep; redecorations or other maintenance, including cleaning which involves use of water or an abrasive at high pressure or the use of corrosive or toxic substances; decommissioning; demolition or dismantling the structure; scaffolding; roadworks; trenches; sewer works etc.

370

So as you can see, just because I am in 'construction', it does not necessarily mean works which are undertaken at the construction site.

375

Hon. J J Netto: Mr Speaker, I am grateful for that, even though I do know a little bit of the construction industry, but that is not the point I am making.

The point I am making is that there is an obvious exclusive dedication, if I can put it that way, just on monitoring the construction industry, no matter how big it is, no matter how diverse it may be. The point is that it seems that it consumes the totality of the time of the Factory Inspectorate and what I am saying is why is it that all of the others, being smaller, being less diverse, never seem to get any attention in terms of site meetings, advice, inspections etc?

380

385 **Hon. P J Balban:** Mr Speaker, in that particular industry sector the risk is obviously far greater than, for example, in the office environment. Obviously there is a lot more risk involved in construction and all its associated areas.

For example, if we expect the Factory Inspectorate to go into offices and check whether the angle of their chair, their seating is correct because that obviously gives problems with backache and whether the computer is at the right level, the keyboard has it wrist rests etc, then obviously this could be...

390 This is exactly why the actual construction industry is what establishes the highest risk group and where you would expect the injuries to proceed from most commonly.

Hon. J J Netto: Mr Speaker, with respect, that is the point I have been labouring for the last seven months.

395 **Mr Speaker:** I was going to make that point, that this line of question – (*Interjection*) Order!

This line of question has a rather familiar ring to it. There is a rule in the Standing Orders that one ought not to revisit matters which have been answered in Parliament.

400 **Hon. J J Netto:** Mr Speaker, I am revisiting matters in relation to the development within the month; I am not revisiting the questions which I have been asking previously.

Mr Speaker: I accept that in the context of the month of June 2012, but the gist of the line of questioning now, being an over-concentration on the construction industry, has a familiar ring to it from several months past.

405

Hon. J J Netto: Do you want me to ask the question?

Mr Speaker: I will allow you to ask the question, but we have to draw a line somewhere on a repeated line of questioning.

410

But you know, I will allow you to ask the question, but I hope the Member appreciates this line of questioning has been asked at least three times in the last six months. (*Interjection*)

415 **Hon. J J Netto:** Mr Speaker, I do recall I said it in my Budget speech? I do not know whether it is relevant, the session of the Budget in relation to Question Time, sir?

Mr Speaker: No. It was a supplementary to similar questions at the last sitting, and indeed previous sittings. Yes, go ahead.

420 **Hon. J J Netto:** Well, if I can ask the supplementary question.

Mr Speaker: Yes, go ahead.

425 **Hon. J J Netto:** Even on the basis of what the Hon. Minister has just said – which I accept and I have been saying it – meaning that the construction industry *per se* has a higher incidence of accidents, so it is also true of the shipbuilding/marine repairs as well, but if you look at the numbers between one and the other, it is one for shipbuilding and 32 for construction. There is an enormous disparity.

So if the argument that you are using is because there is a higher incidence in construction, then that does not seem to tally with the dedication being applied to the other industry group.

430 Therefore, would the Hon. Minister not consider having a discussion with his own Factory Inspectorate to see whether sufficient time is taken to apply the resources available right across the whole spectrum, and not necessarily on just one industry group, in this case the construction industry?

435 **Hon. P J Balban:** Mr Speaker, I will communicate to the Factory Inspectors that the hon. Gentleman does not think that they are doing their job properly.

I seem to recall the conversation I had with my staff regarding this, and if I am not mistaken, I believe that the ship-repair industry has, apparently, qualified staff who actually do this sort of work for them, which means to say that I do not think there is a need for them – they do not feel there is a need for them – to go there unless they are called in specifically for a specific incident, but I will confirm that and I will let the hon. Gentleman know.

440

**Health and Safety
Report industrial accidents**

445

Clerk: Question 661, the Hon. J J Netto.

450

Hon. J J Netto: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services state if there have been any reported accidents during the month of June 2012, showing the industry group and stating which ones were reportable, major and fatal, if any?

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

455

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, it is premature to provide an answer to this question as the collating of the notification of accident reports for the month of June 2012 has not been completed, as these are produced more or less two months in arrears.

460

However, once this information is readily available, it will be added to the statistics published on the Government website on a monthly basis.

**Factories Inspectorate
Number of inspections and results**

465

Clerk: Question 662, the Hon. J J Netto.

470

Hon. J J Netto: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services state how many inspections during the month of June 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible breach to the Factories Act or any subsidiary legislation by any private company, a Gibraltar Government or MOD workplace, may have taken place, and whether legal advice is being sought?

475

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the first part of the question, in relation to the inspections, has been answered in Question 660/2012.

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The second part of the question, in relation to breaches of the Factories Act or its subsidiary legislation, has been answered in Question 659/2012.

In relation to legal advice, no legal advice has been sought. As stated in my answer to Questions 659 and 660, this information will be added to the statistics published on the Government website on a monthly basis.

485

Hon. J J Netto: Mr Speaker, can the Hon. Minister therefore tell me, from the information given to Question 660, which ones of those numbers are in relation to inspections, which ones are in relation to prohibition and improvement notices, and which ones are in relation to site meetings and advice?

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Hon. P J Balban: Mr Speaker, as mentioned in the response to the questions, Question 659 is the prohibition and improvement notices served in the month of June.

Sorry, I seem to have misplaced the other part of the other table.

In response to the second part, Question 659/2012, the information requested is actually on the spreadsheet there: one prohibition notice in the construction trade served in the month of June.

495

Hon. J J Netto: Mr Speaker, I do not know whether the hon. Gentleman has finished or has not finished. I am still not any wiser, by looking at the answers given in answer to Question 660, of the figures in the column shown, which ones of those figures pertain to either inspections or site meetings.

For instance, when it says that in June, there has been one on the industry group shipbuilding, is that to do with inspection or is that to do with site meetings or advice? Then the 32, and then the other one.

500

Hon. P J Balban: Mr Speaker, now I understand what the hon. Gentleman is trying to get at.

Unfortunately, the way that we report statistics, site meetings, inspections and advice are collated together under monitoring activities, so they all fall under one group. Presently, and with the resources available at the moment, the Factories Inspectorate is in a reactive mode, as I already explained, and they

505 are responding to complaints from the general public and other entities. Thus all these are recorded as monitoring activities.

We actually do not split up the figures. I cannot give that information, because of the lack of statistical software that we have available.

510 **Hon. J J Netto:** Mr Speaker, with respect, what the hon. Member is saying is pathetic. This is a question that I specifically asked last month. I asked in supplementary questions the same thing because he could not distinguish, from a very clear and specific question, what information I was asking for. He told me in supplementary last month that he would go back and provide me with the figure, which he has not done. I ask the same question this particular month, and he says that asking for this particular

515 Question, which all we are talking about a total of 34 – whatever they are, whether they are inspections, whether they are site meetings or advice – is too much work to do.

Well, Mr Speaker, it will probably take an administrative assistant five minutes to provide this particular kind of information. It is just ridiculous! Just by looking at the logbook of the Factory Inspector, it will take them about 30 seconds every day to determine whether they have gone to do an

520 inspection or they have gone to do a site meeting. He can give me whatever answer he wants to give me, but he has to be a little bit sensible and credible.

Mr Speaker: There was no question there.

525 **A Member:** What is your question?

Mr Speaker: There was no question. There really should be –

Hon. J J Netto: The question therefore is will he do as he told me he was going to do last month, which is to provide information in the manner I have been asking... the answer, sorry, to the question I

530 have been asking last month and the month before, which he has not?

Hon. P J Balban: Mr Speaker, I agree with the hon. Gentleman 100%. It is amazing, but unfortunately, with what we have inherited, this is exactly... It is a pathetic system (*Interjection*) and unfortunately we need to correct this system to be able to provide the hon. Member with the statistics

535 which he requires now, which does not seem... or was not so important then, and probably that is the reason why that statistical software was discontinued some time back and the licence was never renewed. Now obviously we will try to put this old system – as mentioned, pathetic – and correct that.

Hon. J J Netto: To the hon. Gentleman opposite, you do not even need a computer. Forget whether a computer was bought in the year 2000. For the kind of question we are asking him, considering the small amount of figures we are talking about, an administrative assistant with the file in front of him or the logbook of the Factory Inspector, will take no more than five minutes to give me an answer. You do not need a computer, you do not need an iPad, you do not need anything like that. All it needs is someone – a

540 very young-scale admin grade – to do the information.

545 Is he willing – given that I have to put this in a question form – ?

Mr Speaker: It has to be a question.

Hon. J J Netto: Is he willing to get *someone*, whether it is the Factory Inspector himself at the end of the day, to tell me, ‘Well, I have done today eight hours’ work, for which four were two inspections, one was one site meeting...’? I do not think it is unreasonable to provide that kind of information, with or without computers.

550

Hon. P J Balban: Mr Speaker, we will correct the pathetic situation that we have inherited and we will provide this information in the way that we feel fit in the future.

555

Hon. D A Feetham: May I just explore with the hon. Gentleman that pathetic system?

My hon. Friend, Mr Netto, his contention is that for the month of June the Factories Inspectors would have actually logged, in relation to these 34, in a logbook – ‘This relates to an inspection, this is a site meeting, this is advice.’ Is he saying that that does not exist and all that is logged in the logbook is just simply a generic visit, for example? Is that what he is saying?

560

Because, of course, if that is what he is saying, and effectively what is recorded is a generic visit or something generic that does not really go into any detail about whether it is an inspection, a site meeting or advice, well maybe the hon. Gentleman would be justified in describing it as pathetic.

565 But if that is not the case and the logbook actually differentiates and the Factories Inspectors, as we would expect them to have done, actually differentiate between inspections, site meetings and advice, then this is not about pathetic systems; it is about the hon. Gentleman really not wanting to provide the answer or not having done his homework, or not having been briefed properly.

570 Could he help the House as to what it is, please?

Chief Minister (Hon. F R Picardo): Mr Speaker, calling in aid pathos to support one's questions is something that the hon. Gentleman needs to be very careful with. It was the hon. Member, Mr Netto, who prayed in aid pathos in support of his supplementary and called the system pathetic. So it is really quite unfair – although I know that fairness is not an issue that is relevant to him – for the Hon. Mr Feetham to get up and accuse the Hon. Minister of having prayed in aid pathos.

575 But what the Hon. Minister has said is that the system is exactly the system that was there before. So, if the logbook provided a generic entry before, it provides a generic entry now. If it provided a detailed entry before, it provides a detailed entry now. What the Hon. the Minister has said is, 'Look, I will go back. I now understand what it is that you want. I will go back and I will give you the information.'

580 And what is more, what has also been said during the course of the intervention, which I am happy to say, if we can provide it in the format that the hon. Gentleman appears to want, we will extend to the information when provided, is that it will be put on the internet going forward every month.

Mr Speaker, how is it that that can suggest anything other than wanting to provide the information?

585 And so, Mr Speaker, with that honesty from the Minister, I think we rest and we have provided as much information as we are able today and we will continue to provide that information in the future, if possible, if it is not a generic entry in the format that the hon. Gentleman has proposed. If it is a generic entry, then that system, perhaps I would agree, is pathetic. It is the one that has been there for 16 years – perhaps even longer, perhaps for 40 – and we will change it to ensure that the whole House has the benefit of that information, without anyone having to pray in aid pathos in support of their position.

590 **Hon. D A Feetham:** Yes, Mr Speaker, but you see the Hon. the Minister was doing quite well and matters were progressing very nicely, until it was the Chief Minister who whispered in his ear, 'Tell him, is he saying that the inspectors don't know how to do their jobs?' and it was the Hon. the Chief Minister who whispered in the Hon. Minister's ear, 'Tell him that the system was pathetic and that it existed during their time in Government.'

595 Of course, if the hon. the Chief Minister would not do that much whispering and would not prompt his Minister as to what to say – which inevitably, every time he does that really does raise temperatures in this House – we would not get into these exchanges in the first place.

600 Does the Chief Minister not accept and does he not agree with me that if the logbook actually distinguishes between the various categories and it is not generic, then you cannot describe it as pathetic, whether it was our system or whether it is a continuation of the system by the Government that he leads?

605 **Hon. Chief Minister:** Mr Speaker, given that sort of intervention, I think 'pathetic' really is now the appropriate word. What a pathetic approach to asking questions in this House, to say, 'You whispered in his ear. You didn't whisper this. You prompted him. You didn't prompt him.'

610 Mr Speaker, if we are going to get into that sort of debate across the floor of the House, he can rest assured that every time he is prompted to sit down and shut up, as he was very often by the hon. Member, (*Banging on desks*) the Leader of the Opposition, who is not here, when he was Chief Minister and he was a Minister, we will start to reflect that in every intervention. I know that what he enjoys is trying to lower the tone and raise the temperature in this House, but we are not going to fall for it.

615 Mr Speaker, I did prompt my hon. Friend, the Minister, in respect of the comments made by the hon. Member, as *Hansard* will show, and if the hon. Member were paying attention, he would realise the first person to refer to the system as 'pathetic' was the Hon. Mr Netto, who has been a Minister for 16 years and at different times may have been responsible for that system. That is where the concept of pathos was injected into this discussion.

And look, Mr Speaker, as for careless whispers, those are things best left for number-one hits.

620 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman described the answer as pathetic, but let me say this: the hon. Gentleman, in his recent interventions in this House, particularly in the Budget and today again, is slowly turning and is slowly adopting all the characters of arrogance, highhandedness and unwillingness to answer questions that he used to accuse our Government of when he was on this side of the House.

625 Again, I say this, that if that represents a 'new dawn' for Gibraltar, then God help us for the next four years! (*Banging on desks*) (*Laughter*)

Is he not going to answer my question? Yes or no?

630 **Hon. Chief Minister:** Mr Speaker, this is just... I really must be in a different dimension. The man has not been gone for 48 hours, in parliamentary terms, and my summing up and today... and already the knives are now out and being sharpened, not even as astutely as the Hon. Mr Bossino has the elegance to do, but just matter-of-factly. 'All the characteristics of arrogance etc and character assassination,' (*Laughter*) (*Banging on desks*) says the hon. Gentleman, and then he realised... 'used to accuse, allegedly...' (*Laughter*)

635 Mr Speaker, there has been a new dawn. There is a new attitude. Everybody except them wants to see it, and we are not going to be cross-examined and told to answer questions, yes or no.

This question has been answered. It has been answered clearly and, Mr Speaker, I think it has been answered candidly and positively, with a view to the information being provided, and we rest on that.

640

Procedural

Chief Minister (Hon. F R Picardo): And so, Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 20th July at 3.30 p.m.

645

Mr Speaker: I now propose a question, which is that this House do now adjourn to Friday, 20th July 2012 at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 20th July 2012 at 3.30 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

650

This House will now adjourn to Friday, 20th July 2012 at 3.30 p.m.

The House adjourned at 4.18 p.m.