



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.18 p.m.

Gibraltar, Thursday, 21st June 2012

The Gibraltar Parliament

The Parliament met at 3.00 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

CHIEF MINISTER

Mr Albert Poggio
Consultancy arrangement and remuneration

Clerk: Answers to Questions continue.
Question 563, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Can the Government say how long it envisages that the consultancy arrangement with Mr Albert Poggio will endure and the remuneration he receives?

Clerk: Answer, the Hon. the Chief Minister.

10 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, as to how long the consultancy arrangements with Mr Albert Poggio will endure, this question was answered in the answer to Question 350/2012 and I am surprised that the hon. Member has not appreciated that.

 As to remuneration, the answer is that the sum paid, as provided for in answer to Question 350/2012, is exactly the same as was agreed by his Party Leader in the agreement of 25th March 2011.

15 I am nonetheless happy to give the information, which is that the sum of £65,000 per annum is paid to Mr Poggio under that consultancy arrangement.

20 What I will say, Mr Speaker, given the plethora of questions from the hon. Members of the Opposition on this matter and on this gentleman, is that I share the views expressed by the now Leader of the Opposition, that Mr Poggio has done a tremendous job over many decades and we are delighted that he continues in his role. I would for myself, Mr Speaker, add that Gibraltar owes Mr Poggio a debt of gratitude of immense proportion for the work he did in 2002 in defeating the joint sovereignty proposals.

25 **Hon. D J Bossino:** Mr Speaker, does the Government at this stage have a firm view as to the continuance of the consultancy arrangements, once the current arrangements are concluded – I believe it would be around about 2013?

Hon. Chief Minister: Not at this stage, Mr Speaker.

30 **Hon. D J Bossino:** And does the Government have a view, at this stage, at what stage in the future it thinks that there ought to be a conversion – if a conversion there is to be in the future – between the responsibilities currently being carried out by Mr Canessa as Director of the London office which, as he explained on the last occasion, are administrative in nature and those currently being undertaken by Mr Poggio, which are purely political in nature?

35 **Hon. Chief Minister:** Mr Speaker, that is not a question of at what stage it would happen; it is a question of whether it will *ever*, in fact, happen.

40 **Hon. D J Bossino:** Yes, I am thinking particularly of the current beneficiary of the consultancy arrangement with Mr Poggio, given the wealth of experience, and both direct experience and because of the contacts that he has with various MPs. Presumably there is going to be at some point a hand-over to somebody else. It may not necessarily be a person who is currently charged with the administrative responsibilities of the London office; it could be, and hence the question in relation to convergence, but the Chief Minister said that that may not necessarily converge, but whether it is convergence or whether it is, at some point in the future, a handing over to somebody else – Mr Poggio is of a certain age – does the Government have a view in relation to that, as to how the transition, if you like, is going to take place?

45 I am just concerned that we have Mr Poggio, who has, as I said earlier, a wealth of experience and information at his fingertips, which he ought to be, I think, in a position to hand over to somebody else in the, I would have thought, not-too-distant future.

50 **Hon. Chief Minister:** Well, Mr Speaker, if Mr Poggio has the same attitude to life that the present Minister for Employment has, it may be that we are lucky enough to have him around for many years (*Interjection*) – for many years, although I think he is quite a bit younger than the present Minister for Employment. So it may be that we have him around for quite a bit of time still, and that would be a very good thing, for the reasons that the hon. Gentleman has touched upon – the level of contacts that Mr Poggio has.

55 I think to an extent that is to underestimate what Mr Poggio does. Mr Poggio is not just a ‘Rotadex’ of contacts of friends of Gibraltar. There are certain things that Mr Poggio does for Gibraltar in London which relate to the abilities that Albert Poggio has, not who he knows, and those issues I think are issues that are or those things that he does because of who he is, not issues that are as simple as handing over a list of contacts or introducing people to a new man in London.

60 So I think it is an issue which the hon. Gentleman can rest assured the Government is fully aware of, and I
am sure the previous Government was fully aware of. It is not as easy to resolve as simply converging the role
of one party at the London office with Mr Poggio's role, in the hope that from there will emerge a successor
to Mr Poggio. I think there is much more to it than that and, therefore, it is not something which we can easily
debate across the floor of the House. There are many intangibles, many soft issues here that are not just
65 resolved by the transfer of contacts.

Hon. D J Bossino: Yes, just as a point of clarification, Mr Speaker, I did specifically mention the contacts
he would have available to him, as well as his experience.

70
Moroccan Workers' Hostels
Closure and transfer of residents

75 **Clerk:** Question 564, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Chief Minister state if it is the intention of the Government to close
the two existing Moroccan Workers' Hostels and to transfer the current residents onto a ship which will be
anchored by Coaling Island and, if so, by when does the Government intend to do this?

80 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue that has been discussed with the
representatives of Moroccan workers. There is no fixed plan in this respect at this stage.

85 I would also add, Mr Speaker, that it is not a ship which was being considered, but a floating hotel that
might have been considered and is in the process of discussion.

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

90 The Chief Minister has actually said that it is something which is being considered – presumably
something that, perhaps, the Government is pursuing, with a view to try and get this floating vessel, as he
calls it, and thereby close the two existing hostels. Could the Chief Minister provide a kind of dateline upon
which he would like this discussion to come to an end, with a view of carrying out the Government policy?

95 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman prefaces his question with a lot of assumptions,
including that it is Government policy to do the things that he suggests.

It is not an issue of Government policy. I told him that we are discussing with the Moroccan Workers'
Association and the Moroccan Community Association a possibility which is similar to the issue that he has
raised in his question.

100 It is not a vessel that we are talking about, but a floating hotel. A floating hotel is not a ship. In other
words, it cannot sail. It has to be towed and anchored and set almost in stone in a particular place, until it is
once again pulled to another location for future use. In any event, it would not be a long-term solution. What
we are talking about here is having to deal with issues at the hostels and in the period whilst you construct
something else, etc, having a better facility than the ones that are presently available.

I am sure the hon. Gentleman knows why this issue arises.

105 **Hon. J J Netto:** Mr Speaker, if I may, could I ask the Chief Minister whether in the process of this
discussion which is taking place... does he envisage the discussion to finalise perhaps within the next three to
six months and, therefore, at the end of those three to six months, the Government may be able to proceed
with this particular policy?

110 **Hon. Chief Minister:** Mr Speaker, I confirm to the hon. Gentleman, this is not an issue of policy. This is
an issue of having to deal with a problem.

Now, it is very likely that in the next three to six months, perhaps even within the three months, this issue
will have been resolved, because it does involve... I am not saying negotiation, because negotiation means

115 one thing; I am saying discussion – and I am saying that advisedly – with the Moroccan Community Association and with the Moroccan Workers' Association, to see whether they feel that this is something that they can get comfortable with.

120 The hon. Gentleman needs to ensure that he does not overlook why this issue arises. Of course, he and I would probably be very easily in agreement that the existing workers' hostels are not necessarily as one would wish them to be. They are not of a standard that one would wish to be providing. I have visited the workers' hostels, without advising that I would be on my way to visit it, to see it as it is. He and I will, I am sure, agree that we should be, if possible, providing better. This is one potential way of providing better whilst a new solution is provided.

125 But he will, know, Mr Speaker, that the reason that this is urgent is because the Government when he was a member of it, just over a year ago, entered into an agreement to vacate the Buena Vista Hostel not later than 30th June 2012, but did nothing to relocate the people who live there. It is not possible to build a hostel in 20 minutes. It is not possible to build a hostel in six months and, therefore, if the Government is going to be not in breach of its obligations under this agreement – which I can tell the hon. Gentleman in the next six days, I reckon we *will* be in breach – if we are not going to be in breach of this agreement, then we need to provide an interim solution, whilst new facilities are provided for. Hence why this has been put on the agenda.

130 It is only because the agreement signed by the GSD on 12th April 2011 with BV Homes provides in clause 2A(3) that the Government will give vacant possession of the workers' hostel at Buena Vista by 30th June 2012.

135 **Hon. J J Netto:** Mr Speaker, I agree obviously with the hon. Gentleman that you cannot build a hostel in 20 days.

140 Given that that is moving ahead as a possible option, to try and provide what he calls floating vessels, I presume that he must have in his mind an idea at least who will conduct the administration service on behalf of the Government. Will it be conducted in-house or will it be outsourced to the private sector to do the administration of this floating vessel on behalf of the Government?

Hon. Chief Minister: Mr Speaker, there are a number of different options being considered in respect of how that might occur.

145 I am sure that what he would agree with me would be the best solution would be (a) the one that is more financially advantageous to the Government, whilst (b) using those Government resources that are already available in-house to the Government for the administration of the current Government hostels to the best possible use.

150 **Hon. J J Netto:** Yes, Mr Speaker, no doubt about that; but one of the things that I am interested in knowing is that who will be – in this likeable scenario that the Chief Minister is referring to – the one setting the level of rent, hypothetically speaking, that the Moroccans will have to pay in this floating vessel? Will it be the Government setting the level of rent that the Moroccans will have to pay in this new hostel, if I can call it that, or will it be a private sector company? That is what I...

155 **Hon. Chief Minister:** Mr Speaker, I think what the hon. Gentleman is trying to get to is what will the level of rent be? What I am quite happy to tell him is that we are not envisaging that Moroccan workers, or other users of Government workers' hostels, should be paying more if they are existing tenants of the Government, under the existing arrangements, than they were paying to date.

160 Mr Speaker, this is about getting the Government out of the bind in which it finds itself because, a year and a half ago, his administration signed an agreement to vacate a hostel by 30th June and did nothing about relocating the people who were there.

Hon. J J Netto: Mr Speaker, I am grateful for the guarantee that the Chief Minister gives in relation that this is not an exercise to increase the rent *per se* to existing Moroccans who are living in the current hostels.

165 But if I can ask one further clarification: obviously, Moroccan nationals – I am not talking about the Moroccans who are naturalised, but Moroccan nationals *per se* – they do not have the opportunities like we Gibraltarians have – at least those who live in Government properties – that whenever we become unemployed, we get rent relief to the extent that sources of incomes are taken into account in the formulation that we apply in the Ministry for Housing.

170 Now, my concern, which is the kind of clarification I am trying to seek from the Chief Minister, is that if we were to have a situation in the future, whereby a Moroccan worker, because of the employer he is employed by, he is made redundant, and he happens to be living in these floating vessels, will the Government take into account some form of rent relief just in the same way as we Gibraltarians have a form of rent relief which is applied in Government properties? Will the Chief Minister look into that?

175 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman said 'Moroccan nationals' – and I know what he means because that is a constituency he has shown concern for before – it is not just Moroccan nationals but any nationality of worker that happens to be in the hostel: predominantly, I accept they are Moroccan nationals.

180 Mr Speaker, this is a situation that the present Government finds itself in because of something done a year and half ago by the previous administration.

185 I might ask him – rhetorically, because he is not here to answer questions – what was he doing to protect people in that hostel before 8th December who were going to find themselves in this situation? As I cannot ask him the question – because I am here to answer questions and not ask them, I will not – but I will say to him that he can have the confidence that the position as it was in at 8th December, under the regime that he was responsible for, or was part of the administration that had responsibility for it, in respect of nationals of any state who are resident as workers in a Government hostel who become redundant, will continue to be the case. So we will not change it from the position as it was, when he was in Government for 16 years.

190 **Hon. J J Netto:** Mr Speaker, I appreciate that.

195 That was the situation on 8th December, but what I was trying to elaborate was that, in a new situation, in a new environment, where he takes decisions as a Government and, if he outsourced the whole administration of this service, the new private sector company may not have the same attitude as a Government – whether it is his present Government or the previous Government – in relation to matters like rent relief, when a Moroccan or any other non-EU national who is in a hostel...

195 This is what I am trying to get: whether, if the Government wishes, as a matter of policy after them, whether to outsource administration to a private company that the Government, as a Government, will ensure that there is that kind of protection as existed today and before.

200 **Hon. Chief Minister:** Mr Speaker, I think that the hon. Gentleman and I are not on a different wavelength, but we have not quite understood each other, and I think I can now see where he is going.

205 Whether it is a private entity that the Government uses in part or in whole to help us to administer these arrangements, if they are entered into after the discussions et cetera, the regime that that entity would apply will be the regime that the Government wishes applied. The regime that the Government will seek to have applied will be the regime exactly as it was as of 8th December 2011, so he can have the comfort that the position will be exactly the same in respect of people who become redundant, as might have been the case when he was in administration.

Hon. J J Netto: Okay.

210 **Mr Speaker:** The Hon. Isabel Ellul-Hammond? No?

**Community Care payments
Discussion with Moroccan Workers' Association**

215 **Clerk:** Question 565, the Hon. J J Netto.

220 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if he has had any request by the Moroccan Workers' Association to have a meeting with him in order to discuss, amongst other things, the Community Care payments?

Clerk: Answer, the Hon. the Chief Minister.

225 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have met with the Moroccan Workers' Association on at least two occasions since the General Election, the last as recently as 7th June. I have discussed with them many issues.

I have also met on a number of occasions with the Moroccan Community Association. I have also discussed with them many issues.

230 Community Care, Mr Speaker, is an independent charity, registered under the Charities Act. The Government does not have any standing to discuss matters related to Community Care in any authoritative manner.

235 **Hon. J J Netto:** Mr Speaker, of course the Government has not got any standing in relation to Community Care payments, but that does not stop the Chief Minister from standing up in Parliament and actually stating whether he has discussed the issue in this particular case, as he mentioned, the Moroccan Workers' Association, and for him to express a view in Parliament.

So my question to him is whether he has a view on the matter, regardless of the fact whether there is any standing or no standing between the Government and Community Care.

240 **Hon. Chief Minister:** Mr Speaker, this is an issue which is sensitive and I am quite happy to have a conversation with the hon. Gentleman afterwards, if he likes.

245 But the position of the Government, is (a) that the Government is only answerable in Parliament for the things for which the Government is responsible, and the Government is not responsible for Community Care, which is an independent third party charity; (b) Mr Speaker, I think if the Hon. the Leader of the Opposition were here today, he would be urging him to leave it at that because I am not going to be getting up in Parliament to give opinions on who should or should not be receiving Community Care, because it is an independent third party charity.

250 I hope the hon. Gentleman understands why I am giving him the answer I am giving him and why I am quite happy to have a discussion with him later, if he wishes.

Hon. J J Netto: Yes, I will take the offer up.

255 **Moroccan workers long-term resident in Gibraltar
Entitlement to Minimum Income Guarantee**

Clerk: Question 566, the Hon. J J Netto.

260 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if his Government intends to provide Moroccan workers who are residents of Gibraltar and who have been working in Gibraltar for the last 25 to 40 years with the Minimum Income Guarantee?

265 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 567.

270 **Unemployed Moroccan workers in Gibraltar
Entitlement to Social Assistance Benefit**

Clerk: Question 567.

275 **Hon. J J Netto:** Mr Speaker, can the Chief Minister state if his Government intends to provide current unemployed Moroccan workers who have lived and worked in Gibraltar for between 25 to 40 years, and other Moroccan workers who may become unemployed in the future, with the Social Assistance Benefit payable by the Department of Social Security?

280 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman will be delighted to know that the position remains exactly as when he was the Minister responsible.

285 **Hon. J J Netto:** Mr Speaker, that is not the question I am asking for.

It is not a question whether I am delighted or not delighted that the position is now as it was when the GSD was in Government. I am asking the Government whether they intend to allow Moroccan workers who have lived between 25 and 40 years with the Social Assistance Benefit – obviously when they become unemployed – and with the Minimum Income Guarantee, as when they are 60 years of age. That is the question and this is what I am trying to get an answer from the Chief Minister. So I would be grateful if he can address that issue.

290 **Hon. Chief Minister:** Mr Speaker, the position is that we will not be changing the eligibility criteria that he set out when he was a Minister, or that was in place when he was a Minister for many years.

295 I am sure that that will be something that the hon. Gentleman will be happy with – unless he was not happy with the regime that was in place whilst he was a Minister.

Hon. J J Netto: Mr Speaker, I think I have understood the Chief Minister to say that he would not change the eligibility criteria. I think he said that.

300 My understanding, from recollection, in regard to the eligibility criteria for the Minimum Income Guarantee, is that it has to be (a) any person who is residing in Gibraltar or who has either a certificate of permanent residence or indefinite residence; or (b) who holds a resident permit which, at the date of issue of the current permit, was valid for a period in excess of one year.

305 Now, if he is telling me that that criteria has not changed, and that criteria remains valid today because nothing has changed, as he has said, it seems to me that Moroccans may be entitled because, nowadays, Moroccan nationals do have a renewable five-year residence permit, which is renewable every five years, despite the fact that they have been here now for 40 years.

So if I am correct, will that mean then that they are eligible to apply for the Minimum Income Guarantee?

310 **Hon. Chief Minister:** Mr Speaker, I am not the person who makes assessment as to who is or is not going to be eligible, but the eligibility criteria that the hon. Gentleman has read out, as I understand it, is the correct one.

315 I am not going to answer his hypothetical case of a Moroccan national who might be entitled, because there may be many other criteria of such a particular Moroccan national which might take him out of other eligibility sub-criteria. But given his understanding and my position as set out before, that the eligibility criteria have not changed, I will let him make up his mind for himself.

I will tell him that there are very few people now who have been here for 25 to 40 years who have not been naturalised. The ones who have not, either have not been in good standing for a particular reason or have not applied to be naturalised.

320 Mr Speaker, I think he can work out for himself what I am saying.

Hon. J J Netto: Mr Speaker, generally speaking, what the Chief Minister seems to be saying is that nothing has changed. We are carrying the same policies that were introduced by the GSD Government.

325 Now, they are a party who accused the GSD of being some kind of a right-wing Conservative party. Instead we have a Socialist Party along with a Liberal Party. Does the Chief Minister, as a Socialist, have a view as to whether it is morally correct that unemployed Moroccan workers who have been living probably on average 35 years, some even 40 years... that they should not be entitled to Social Assistance because he can argue that he has a Conservative right-wing thinking, like the GSD has, but he cannot argue that, as a Socialist, he has no moral regard for unemployed Moroccan workers, that they should not be entitled, when they become unemployed, to Social Assistance? Does he have a view, as a Socialist?

330 **Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman understood what I told him.

First of all, I do believe that the hon. Gentlemen are all part of a right-wing Conservative clique. I do not always see them as conspiring, but they are all the right-wing Conservative clique come together under the

banner of a party. (*Interjection*)

But they used to say, when they were on these benches, that actually they were the only Socialist Party in Gibraltar, *inter alia* praying in aid the presence of the hon. Gentleman amongst their ranks as evidence of the fact that they were a Socialist Party (*Interjection*) because he had at one stage been a trade unionist.

So, Mr Speaker, you see, the position is this: the Minimum Income Guarantee was set up by the hon. Gentlemen when they were in Government. They set out an eligibility criteria. The eligibility criteria is not changing. Our allegation that they are a right-wing Conservative clique has nothing to do with the Minimum Income Guarantee; it has got to do with many other things.

But, in this instance, Mr Speaker, if he had worked out what I told him, he would have worked out that in that sort of example – and I am not the one to determine eligibility, because somebody else looks at a particular case and applies the criteria to it – the person would have been entitled to the Minimum Income Guarantee.

So, as a Socialist, which I am very sure I am, Mr Speaker, the person would not be left without an income, because they would be receiving the Minimum Income Guarantee.

Hon. J J Netto: So has he said that they will be getting the Minimum Income Guarantee? Were those his final words?

Hon. Chief Minister: Mr Speaker, I am not in Parliament to assess for him what the hypothetical individual that he proposes is or is not eligible to. I have confirmed to him that the eligibility criteria is as he set out and I have confirmed to him that it has not changed since he was there.

What *has* changed, Mr Speaker, is the period of the permits which are granted. Therefore, Mr Speaker, given that the periods are likely to now bring people within the eligibility criteria, the person who determines eligibility (**Hon. J J Netto:** Yes.) will be giving an answer to that hypothetical Moroccan worker which, in my view, is very likely to be in the positive. But there are other sub-criteria which may take a particular individual out of eligibility, whilst allowing it to another – other income etc.

So, Mr Speaker, in those circumstances, that hypothetical individual, given only the characteristics that have been put out there by the hon. Gentleman, without addressing the other criteria, would likely be told by the person who *does* assess eligibility that he would be receiving the amounts. Therefore, Mr Speaker, as a Socialist, I have no concern for the hypothetical unemployed Moroccan that the hon. Gentleman has posited in his example.

Hon. J J Netto: Can I, just for the sake of clarification – I think it is important that when we are talking about criteria or the criteria that I set out, that was a criteria in the context of the Minimum Income Guarantee, but the criteria for the Social Assistance, which is not something which was introduced by the GSD Government – in fact it was introduced by the GSLP Government – is a different kind of criteria.

In those criteria for Social Assistance, it makes it very, very clear... well, not just to Moroccans but to any other nationality, if I remember right – certainly from memory, all other non-EU nationalities, but it may even go to the extent of saying, all other, even European, nationalities – so I just want to make it clear to him that, when I was speaking before about criteria, I was talking about criteria of the Minimum Income Guarantee, which was something which was done by the GSD Government, but the criteria for eligibility for Social Assistance was something that was done between 1988 and 1996. There it is very, very clear that, under that criteria, unemployed Moroccan workers would not be entitled to Social Assistance.

This is why I am asking the question – obviously, I was trying to separate the two issues, but the Chief Minister has answered the two questions together.

Now, given that for Social Assistance, to allow Moroccan workers to get Social Assistance if they become unemployed, the criteria, which is an administrative criteria and not by legislation... it would require a policy decision of the Government. Therefore, can I put it to the Chief Minister, whether he would look at the criteria for Social Assistance, in order to allow what I would call long-term workers, regardless of nationality, who have lived and worked in Gibraltar for considerable periods of time to be entitled to this kind of benefit? Surely he must agree with me that this would be something that he could look into as promoting equality in Gibraltar and fairness – there is no doubt about that. It is a glaring omission as far as inequality and fairness.

We are talking about people who have worked probably 35 to 40 years. They have paid the same level of social insurance as we pay, the rest of us in the community, and the same level of taxation that we pay in the rest of the community, but they have not enjoyed those benefits. I am sure, or at least I hope, that the Chief

390 Minister would think in the same way as I do and allow them even to get not just the Minimum Income Guarantee, but the Social Assistance.

Hon. Chief Minister: Mr Speaker, I understand the second part of the hon. Gentleman's question is now just about the Social Assistance.

395 Mr Speaker, the hon. Gentleman was in government for 16 years, pretty influential. He was the one that they held up as evidence of the fact that they were socialists, so I would have thought that he had quite a lot of influence in the previous administration. So, Mr Speaker, given that, I am surprised that he is left to put it to the leader of the party that he recognises introduced this system between 1988 and 1996 to now consider amending it in a way that he was not able to collectively convince his colleagues of the right wing conservative coalition that they make up to amend in the time that they were in government.

400 Mr Speaker, I will tell him this, that there are already criteria which would make that sort of individual eligible, in some circumstances, to receive Social Assistance payments.

So, Mr Speaker, what I will answer substantively to his question is that I will consider it, which is what he has asked me to do.

405 **Hon. D A Feetham:** Yes, will the former Liberal, now Leader of the Gibraltar Socialist Labour Party and Leader of the Liberal Socialist Alliance on that side of the House, not agree with me that, in fact, when one talks about the rights of individuals and when one talks about the rights of Moroccans, which is the example that my hon. Friend has asked questions about, we talk about evolution of those rights, and that simply because we may have taken a particular position when we were in government and that they took a position during eight years that they were in government, it does not mean that the position needs to remain static, that either we on this side of the House cannot change our previous policies, nor that they on their side of the House have to follow our lead?

410 Has he got any plans for looking at this and making sure that Moroccans have greater rights in the areas that my hon. Friend has asked him questions about?

415 **Hon. Chief Minister:** Mr Speaker, I wonder whether the former Socialist and then Labourite, and now Social Democrat could not have had the patience to wait (*Interjection*) for the next question to get up to ask something. But, then again, Mr Speaker, impatience is what has put him where he is.

420 Mr Speaker, I would have thought that it would have taken longer than the four hours that Mr Caruana has been absent from this Parliament for the hon. Gentleman to try to distance what he obviously now sees as *his* party (**A Member:** Hear, hear.) (*Applause*) from the 16 years of hard work of his former – his *current*, sorry – leader.

425 Mr Speaker, the hon. Gentleman, Mr Netto, whom I actually have never myself accused, nor do I, because I consider that he is part of that rightwing Conservative coalition, believe has ever been right wing. I believe the Hon. Mr Netto is only and can only ever be described as being left wing... has asked me to consider something and I have told him at the end of my answer that I will.

The hon. Gentleman, perhaps in his impatience, did not hear that and now wants to ask me to consider something which I have said a moment before sitting down I will consider. So there you are, Mr Speaker, I am going to consider it.

430 Therefore, for him to get up and ask me would I have any plans to do something which I have just agreed to consider, is for him to afford me a level of intellectual ability to consider and plan so quickly, which even my worst enemies do not ascribe to me, although he sometimes considers me to have an ability to connive even beyond that which I have.

435

Cordoba Agreement Policy re implementation

440 **Clerk:** Question 568, the Hon. D A Feetham.

Hon. D A Feetham: Yes. Will the Chief Minister state what is his Government's policy in relation to those aspects of the Cordoba Agreement which remain to be implemented?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has referred to press release 110/2006 of the GSLP Liberal parties, which sets out the position of the parties now in Government. I also refer the hon. Gentleman to the third paragraph of page 15 of the GSLP Liberal manifesto.

Hon. D A Feetham: I think that is, with respect to the hon. Gentleman, a totally unacceptable answer on something as important as this. I do not want to have a spat with the hon. Gentleman so early in questions, or at all; all I want is to elicit information and for the hon. Gentleman to answer that in a way that does not demean this Parliament.

Now, could he please state, for the benefit of all those listening, what his Government's policy is in relation to those aspects of the Cordoba Agreement that remain unimplemented, please?

Hon. Chief Minister: Mr Speaker, yes. I do not know why it is that a two-sentence answer to a one-sentence question is considered demeaning, but Mr Speaker, my policy is as set out in press release 110/2006, which sets out the position of the parties now in government and is more particularly set out on page 15, third paragraph of the GSLP Liberal manifesto.

Hon. D A Feetham: Let me ask some more specific questions, given that he is referring to a 2006 press release, which I think is absolutely outrageous as an answer to a question, a quite legitimate question, by me in this House.

What is the party opposite's policy in relation to the Schengen arrangements, as set out in the Cordoba Agreement – in particular, obviously, the advance Schengen entrance and the deferred Schengen exit control?

Hon. Chief Minister: Mr Speaker, I know that for him it is outrageous that somebody should continue to hold, in 2012, the same views that they held in 2006 because, for him, views are things which are obviously fluid enough that he can go from one party to another without any concern.

Mr Speaker, our position on those issues is exactly as set out in that press statement, which specifically addressed those issues.

Hon. D A Feetham: He obviously seems to be concerned with providing me with the actual answer in this House. I do not know why.

Is the position this: that the party opposite will not abide by those parts of the Cordoba Agreement relating to the Schengen arrangements? Is that the position?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman thinks I am not providing him with the answer in this House. It must be that he does not think he is in this House to ask the question and I am not in this House when I am giving the answer. I am in this House, giving him the answer, which is that the position is not as he sets out, necessarily; it is as set out in the press release.

I am quite happy for him to say that he wants to read the press release and ask me more questions about it next time, if he wishes. The position is very clearly set out in our press release of 2006. We are consistent in our policy position and, Mr Speaker, if the hon. Gentleman needs to refresh his memory, it is fair enough, he can go and check it if he likes. I am quite happy to recess for five minutes, if he wants.

Hon. D A Feetham: Mr Speaker, on a point of order – and again, I am trying to keep temperatures to a reasonable level in this House – I am not here to ask questions on a press release. I am here to ask questions on Government policy.

It is not right for this Government, or for the Chief Minister, to refer me to a press release that was made public in 2006. It simply is not. It is a derogation of the Government's duty to this Parliament and to the people of Gibraltar for the hon. Member to respond in that particular way and, given that the hon. Member was swept to power by 350 votes on arguments about transparency and more democratic accountability, I do think it is outrageous that the hon. Gentleman should give me the answer that he gives me.

Hon. Chief Minister: Mr Speaker, in answering that point of order, I would say this: the hon. Gentleman is not entitled, under the rules of the House, to ask questions about things that are public, but has asked us

500 what the Government policy is, and he might not have known that our policy was as set out in our Opposition statement.

505 What I have confirmed to him, Mr Speaker, in this House, so that he has the benefit of it, is that the Government's policy is as set out in the statement that we provided in 2006. Mr Speaker, the hon. Gentleman can now go and read the policy statement of 2006 and he will have an answer. It is not a derogation, Mr Speaker, to stand up in this House and refer somebody to a document that contains the policy very clearly and very explicitly set out.

I would say two more things, Mr Speaker. First of all, transparency and accountability is not about being forced at the whim of an Opposition Member to read out one's press releases because he wants you to read them out to him –

510 **Hon. D A Feetham:** I didn't ask you to read them!

Hon. Chief Minister: – because he decides that that is what today transparency and accountability means to him.

515 Second, Mr Speaker, thank you very much for having recognised that we were swept to power on 8th December 2011 (*Interjection*) because, at the last session, his previous... his *current* leader, sorry, said that we had just 'inched' our way in, but I prefer the description that he has very kindly now afforded us.

520 **Mr Speaker:** Unlike a court of law, the Speaker has no power to judge the quality of an answer given. The Speaker can judge the quality of the questions put, but not the answers given.

As long as the answers given comply with the practices and procedures, the Speaker has to accept the answer. The answer given by the Hon. the Chief Minister on three occasions to three different questions refers the questioner to two public documents. If that is his answer, that is his answer.

525 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister think that Spain's non-compliance with part of – because there are obligations on the Spanish side that have not been complied with on certain aspects of the Cordoba Agreement – does he think that is a good thing or a bad thing for Gibraltar?

530 **Hon. Chief Minister:** Mr Speaker, there are aspects of the Cordoba Agreement that Spain has not yet complied with.

Mr Speaker, one would expect that parties who sign up to international agreements comply with the obligations which are extant on them under those international agreements, or go back and discuss with the parties who are signatories to those agreements why they do not wish to comply and try to renegotiate those parts of the agreement that one does not wish to comply with. One should not simply not comply with agreements.

535 That is the position of the Government and I am sure that he will want to agree with that.

540 **Mr Speaker:** Before the hon. Member asks, may I just correct terminology on my part in my earlier ruling. I referred to two public documents, but they are not strictly public documents; they are documents in the public domain. A press release by any political party nor a manifesto is not a public document as such, but documents in the public domain. I just stand corrected.

Hon. Chief Minister: They are both, Mr Speaker, as you know, available on our websites and very easily accessed.

545 **Mr Speaker:** Yes, but they are not public documents as issued by the Government as such; they are documents in the public domain.

The Hon. Daniel Feetham.

550 **Hon. D A Feetham:** I will come back to the point that I was making before but on another question.

So, is it the Government's policy that, from now on, Members of the Opposition ought to look at the GSLP website, and if the information is on the GSLP website they will not answer any questions on Government policy? Is that the position?

555 **Hon. Chief Minister:** No, Mr Speaker. I know that the hon. Gentleman, when things are not convenient to him, would like to change reality.

560 The reality has been, for the past 30 or 40 years in this House, that if information is publicly available one is not entitled to ask about it. But, of course, Mr Speaker, the hon. Gentleman's question was what was the Government's policy, and he was entitled to ask about that because the Government had not made a policy statement on these issues, so I have told him that the Government's policy is as set out in the press release. That is why I have referred him to the press release. I know that he might tremble at the thought of having to click on *gslp.gi* – but look, it's not so bad!

Hon. D A Feetham: Yes, the internet surfer; he is more attune with internet surfing than I am.

565 He said before that countries must comply with their international obligations, when I asked him about whether he thought Spain's non-compliance was a good thing or a bad thing. If Spain were to comply with their side of the Cordoba Agreement, would a GSLP Government comply with our side, which are contingent on their compliance?

570 **Hon. Chief Minister:** Mr Speaker, I did not say that Governments had to comply with their obligations; I said that Governments had to comply with their obligations or go back to the parties with whom they had signed agreements and attempt to renegotiate those parts with which they were not comfortable, but that parties should not be able to simply not comply with their obligations.

575 Mr Speaker, in case he wants to look it up, this is the concept of *pacta sunt servanda* under public international law.

The question that he poses, Mr Speaker, nonetheless, is hypothetical and, under the Standing Orders of this House, I am not required to answer hypothetical questions.

580 **Hon. D A Feetham:** So is he happy with the position that if Spain were to comply with those parts of the Cordoba Agreement that it needs to comply with, the only party that would be non-compliant would be his own GSLP Government, bearing in mind that, of course, it does not seem likely that the tripartite talks will be revived and that the hon. Member will be able to go back and renegotiate the Cordoba Agreement?

585 **Hon. Chief Minister:** Mr Speaker, now the hon. Member is going from hypothetical question to hypothetical assumption, something which I am also, I think, not required to deal with, because it all deals with hypotheses.

Mr Speaker, I will tell him this: I thought tonight he was holding brief for the Leader of the Opposition, not for the Minister of Foreign Affairs of Spain. I am starting to get confused!

590 **Hon. D A Feetham:** The hon. Gentleman does not need to give me or my party any lessons in defending the interests of Gibraltar. Let me remind the hon. Gentleman that it was the Leader of the Opposition who actually very successfully stood toe to toe against both the United Kingdom Government and the Spanish Government on the Joint Sovereignty Agreement.

595 Let me remind the hon. Gentleman that it was *this* party, not *that* party, that introduced the new Constitution to Gibraltar, a Constitution that the hon. Member now says provides the people of Gibraltar with the maximum level of self-government short of independence.

Let me remind the hon. Member that it was *this* party that managed to obtain undertakings from the United Kingdom Government that it would not enter into a process, let alone any agreement, in relation to Gibraltar with which the Government of Gibraltar is not content.

600 Is it not the case that the hon. Member has a problem with the Cordoba Agreement because, in 2006-07, the hon. Members opposite essentially told the people of Gibraltar that they were not going to be abiding by the Schengen arrangements, amongst others – the others were the Permanent Joint Liaison Committee and I think there was something else that they were not going to be complying with in relation to the Cordoba Agreement – and that the reality of the situation is that that is not beneficial for Gibraltar to have a situation where a Government of Gibraltar unilaterally turns round and says, 'We are not complying with this international agreement that has been reached between the Government of Gibraltar, the United Kingdom Government and the Kingdom of Spain,' and that it is just another example of the philosophy underpinning the party opposite, or the parties opposite, which is confrontation rather than seeking normality in relations between ourselves and our neighbours, and the proverbial sticking two fingers up at Spain rather than finding

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sensible solutions and sensible agreements that benefit both sides of the frontier.

Hon. Chief Minister: Mr Speaker, I forget which party the hon. Gentleman was in in 2007, but it is a matter of historical record so I am sure I can check.

Mr Speaker, the policy of the Government is not to capitulate when Gibraltar is put under pressure. Let me remind the hon. Gentleman that it was the Hon. the Leader of the Opposition who has the distinction of being the only politician in Gibraltar's history to have told a Spanish audience that he would consider recommending to the people of Gibraltar in referendum an Andorra-style solution.

Hon. N F Costa: Shame! Shame!

Hon. Chief Minister: Rent-a-mob!

Let me remind the hon. Gentleman, Mr Speaker, that the memoirs of a Minister for Europe recently published suggest that similar suggestions were made to him at the time, in 2001, before the joint sovereignty proposals were concocted, and that, therefore, those might have been the very kernel of the proposals that the hon. Gentleman now tells us the Leader of the Opposition went toe to toe with the United Kingdom and Spain on and won.

Let me remind the hon. Gentleman, Mr Speaker, that I thanked Albert Poggio, in answer to the first question I was asked today, for the immense gratitude that the people of Gibraltar owe him, advisedly, about how *he* helped to ensure that we defeated the joint sovereignty proposals.

Let me remind the hon. Gentleman, Mr Speaker, that there is nothing better, when one is Chief Minister – as the now Leader of the Opposition, then Chief Minister, had in the Hon. the Minister for Employment – to have a Minister or a Leader of the Opposition who was so staunch and so clear on the fundamentals that one could go to the United Kingdom and clearly say, 'Well, look, guys, I'd do it, but Bossano won't wear it,' and that that was the happy situation in which the hon. Gentleman took on 'the United Kingdom and Spain' for having given life to the Andorra-style solution that he might have proposed to Peter Hain.

Mr Speaker, let me remind the hon. Gentleman that it is not his party that selected the Constitution or imposed the Constitution or brought the Constitution, but it was the people of Gibraltar who selected that Constitution in the referendum.

Let me remind, Mr Speaker, the hon. Gentleman, although he does not like to hear it, that what I said at the United Nations is not what he says I said. I asked the Committee to tell us whether or not they believed that this Constitution delivered the maximum possible level of self-government to the people of Gibraltar, and if it did not, to tell us why it did not.

So, Mr Speaker, it is all with the hon. Gentleman – 'let me remind, let me remind, let me remind' – but he does not like to be reminded himself.

It is all with the hon. Gentleman, Mr Speaker, how staunch a defender of the interests of Gibraltar the Hon. the Leader of the Opposition is today because he comes to praise him, allegedly, not to bury him; but in previous years he might have said the opposite.

Let me remind the hon. Gentleman, Mr Speaker, that I am not here to answer hypothetical questions, so all the ifs and all the buts that he puts lead to a question which does not require an answer in this House.

Let me suggest to the hon. Gentleman that he consider two things. Is he saying that the people of Gibraltar, apart from having built a terminal that has cost us about €83 million, should also build *el voladiso* in Spain? And is he saying, Mr Speaker, that he is one of those Gibraltarians who will be delighted to show his passport to a Spanish Civil Guard once he is in Gibraltar in order to get the permission of the Spanish Civil Guard to continue to walk along his homeland? But, then again, *he* is not here to answer questions, thank God. *I* am here to answer them; *he* is here to ask them.

Hon. D A Feetham: Yes, the hon. Gentleman questions what party I was in in 2007. Well, I suppose that, not long ago, being a member of the GSLP and being Leader of the GSLP was but a twinkle in his ambitious Liberal eye because, of course, he started off being a member of the Liberal Party.

I wanted to avoid these type of exchanges with the hon. Member, because I wanted to concentrate just simply on the issues, but it is very difficult with the hon. Member because he continuously degrades the quality of the debate in this House by constantly personalising the debate and constantly referring to the political past of Members on this side of the House.

Let me read to him an interview that he gave with a mutual friend of ours, Dominic Searle from the

665 *Gibraltar Chronicle (Interjection)* and I quote:

‘We are condemned, if we choose the GSLP, to confrontation with Spain.’

It is a question that he was asked.

670 ‘Of course, nothing could be further from the truth. I also think that we need to be diplomatic in the way that we deal with our neighbours and that banging the drum does not unnecessarily assist us to progress in our relationship with them.’

675 Does the Chief Minister think that, in the first seven months of *his* Government, he has not condemned us to confrontation with Spain, that he has not been undiplomatic and that he has involved himself in a great deal of banging of the nationalistic drum, and does he think that that is to the benefit of Gibraltar?

680 **Hon. Chief Minister:** Mr Speaker, I am relaxed about how history is going to judge these debates and, therefore, the person who one day reads *Hansard* – I know he and I probably read it, but then again, we don’t matter – will see that all the suggestions and innuendos about who was in what party when, all of that came first this afternoon from the benches of the Opposition. (**A Member:** Oh!)

So, Mr Speaker, with that relaxed view of what history will determine about whether or not it is I or anybody else who degrades the quality of debate in this House, let me answer the hon. Gentleman by telling him that I am very satisfied with the way that this Government has dealt with all matters since it was elected on 8th December, in particular our relationship with Spain.

685 But, Mr Speaker, I recognise, from what he is telling me, that it appears that he would have taken a different attitude to somebody saying ‘*Gibraltar español!*’ Mr Speaker, maybe he might have said, ‘Okay’; not me, Mr Speaker.

It may be that he might have taken a different attitude to that same person saying, ‘*El chiste ya se acabó*’ – the joke is over. He might have said, ‘Okay’; I say, ‘The joke’s on you, mate.’

690 If that is banging the nationalistic drum, if defending my country and my people is banging the nationalistic drum, well, Mr Speaker, he and I have very different interpretations of what banging the nationalistic drum is.

I do not believe that we are condemned to anything other than to success under this Government, both in our relationships with Spain and with the many other kingdoms and republics around the world, in particular, Mr Speaker, our best friend in the world, the United Kingdom.

700 **British Gibraltar territorial waters
Incursions by Guardia Civil**

Clerk: Question 569, the Hon. D A Feetham.

705 **Hon. D A Feetham:** Would the Chief Minister please state how many incursions have occurred into British Gibraltar territorial waters by the Guardia Civil each year since the Nature Protection Act was introduced in 1991, excluding innocent passage, on a year-by-year basis?

Clerk: Answer, the Hon. the Chief Minister.

710 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this Question together with Questions 570 to 573.

715 **Royal Gibraltar Police
Enforcement of Nature Protection Act**

Clerk: Question 570.

720 **Hon. D A Feetham:** Can the Chief Minister confirm that his Government has not, whether directly or indirectly, or in any way, urged or suggested to the RGP that it enforce the Nature Protection Act in any particular way and that neither is he, in his capacity as Chief Minister, aware of any such suggestion to the RGP from the Convent?

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**British Gibraltar territorial waters
RGP actions re Spanish fishermen**

730 **Clerk:** Question 571.

Hon. D A Feetham: Will the Chief Minister please state how many warnings, reports for process and arrests have been made or issued by the RGP, on a yearly basis, in relation to Spanish fishermen's activity in British Gibraltar territorial waters since the Nature Protection Act was introduced in 1991?

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**British Gibraltar territorial waters
Arrest warrants issued to Spanish fishermen**

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Clerk: Question 572.

Hon. D A Feetham: Will the Chief Minister please state how many arrest warrants have been issued on a yearly basis against Spanish fishermen for illegal fishing in British Gibraltar territorial waters since the Nature Protection Act was introduced in 1991?

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**Government announcements
Facebook**

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Clerk: Question 573.

Hon. D A Feetham: Will the Chief Minister accept that important announcements such as the tearing up of the 1999 Fishing Agreement should be made in this Parliament and not on Facebook?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, in relation to Questions 569 and 571, I now hand the hon. Member a schedule with the information requested.

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ANSWER TO QUESTION 569

Guardia Civil incursions into British Gibraltar Territorial Waters:

2002 - 5 recorded incursions
2003 - 7 recorded incursions .
2004 - 8 recorded incursions .
2005 - 3 recorded incursions.
2006 - 1 recorded incursions.
2007 - 5 recorded incursions.
2008 - 4 recorded incursions.
2009 - 0 recorded incursions.
2010 - 82 recorded incursions
2011 - 280 recorded incursions
2012 up to the 15 June 2012 – 161 recorded incursions

Answer to Question 571

2008/9 no warnings, report for processes or arrests were made.
2009/10 One Spanish National was arrested for fishing whilst using breathing apparatus at Rosia Bay and for being in possession of two illegal nets.
2010/11 Two hundred and four Spanish Nationals were reported for process for fishing from the beach and all persons were cautioned for the offences.
2011/12 Forty six Spanish Nationals were reported for process for fishing from the beach and all persons were cautioned for the offences.
1 April to 19 June 2012 fifteen Spanish Nationals were reported for process. Twelve of these persons were reported for process for fishing from the beach and all persons were cautioned for the offences. Three fishermen were reported for process for using illegal nets and are currently being judicially processed.
The above statistical data is for the period 1 April to 31 March.

In addition, the following fishing "incursions" have been recorded by the RGP since 2004 and were reported to the Cofradia by No. 6 in accordance with the fishing agreement between the Govt of Gibraltar and the Spanish Fishing Cofradia. In this context, when the data was recorded, an "incursion" was an "incursion" in breach of the 1999 agreement. There are no records of data available prior to 2004.

In 2004, 114 fishing incursions were recorded.
In 2005, 228 fishing incursions were recorded.
In 2006, 122 fishing incursions were recorded.
In 2007, 105 fishing incursions were recorded.
In 2008, 75 fishing incursions were recorded.
In 2009, 33 fishing incursions were recorded.
In 2010, 9 fishing incursions were recorded.
In 2011, 12 fishing incursions were recorded.

I must tell him, Mr Speaker, that Spanish fishermen in British Gibraltar territorial waters – it is important that he remember this – has been interpreted to include individuals of Spanish nationality in Gibraltar fishing from Gibraltar, either from the beach or elsewhere.

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In relation to Question 570, Mr Speaker, I can confirm that the Government has not directly or indirectly, or in any way, urged or suggested to the RGP that it enforce the Nature Protection Act in any particular way, and I can confirm that I am not aware, in my capacity as Chief Minister or otherwise, of any such suggestion to the RGP from what the hon. Gentleman generically calls 'the Convent'.

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In answer to Question 572, Mr Speaker, I can confirm that no warrants of arrest have been issued against Spanish fishermen for illegal fishing in British Gibraltar territorial waters.

In answer to Question 573, Mr Speaker, no announcement as to the 1999 Fishing Agreement was made on Facebook. The premise of the question is therefore flawed.

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Hon. D A Feetham: I note that the figures do not go further back than 2002. Is that because the figures are not available pre-2002 because, in actual fact, I think, from recollection, from my time as Minister for Justice, I think I have seen figures pre-2002.

Hon. Chief Minister: Mr Speaker, I have asked for all the figures available and, as he can imagine, it is

an issue as much of interest to the Government as it is to him. I am told that this is what is available.

If more information is brought to me – and I understand that in the time available what I have been given is what is available in data form; it may be that it is possible to extrapolate for earlier years what data is available into a manageable form – then I am quite happy to share it with him in the next few days because, if it is going to become available, it is going to become available very shortly.

But this is what I have been given as being available. I would not want the House not to have this information. I think it is important information and it helps us to consider the debate. He should, of course, know – if he is talking about 569 – he should know that I have sought from a number of sources that information, not just, for example, from the Port Department but also from the RGP and other sources.

In relation to 571, Mr Speaker, the information there relates to breaches of the 1999 agreement, as it was interpreted at that time and that if something was in keeping with the 1999 agreement it would not have been recorded as an incursion.

Hon. D A Feetham: Could he repeat for my benefit the answer to the question about Facebook, please. I was going through the schedule and I did not quite catch that.

Hon. Chief Minister: Of course, Mr Speaker.

No announcement as to the 1999 Fishing Agreement was made on Facebook. The premise of the question is therefore flawed.

Hon. D A Feetham: Does he agree that the first time that any Government Minister announced or spoke publicly about whether the Government would be adhering to the 1999 Agreement since the General Election was on 11th March, when the Hon. the Minister for Health, Mr Cortes, answered questions from Mr Kaelan Joyce on Facebook. Does he accept that?

Hon. Chief Minister: Mr Speaker, that may very well be the case but that is not to make an announcement.

Hon. D A Feetham: Does he accept there is a distinction between a manifesto commitment and the actual announcement of the Government having complied with the manifesto commitment? I note, for example, that the Deputy Chief Minister is phenomenally fond of coming out with a press release listing the many manifesto commitments that they have complied with.

Does he not accept that there is that distinction?

Hon. Chief Minister: Mr Speaker, I am here for information to be elicited on behalf of the Government not to give opinions about distinctions between announcements and when something is in a press release.

You see, Mr Speaker, our position has been, and is, that we stick to our manifesto. That is what our policies are and I have set out on a number of occasions that this policy is set out in our manifesto, so anyone who knows us knows that our manifesto are our policies. We do not change our policies the day after the Election, as some might.

So, Mr Speaker, I think the position was very clear to everyone.

Hon. D A Feetham: With respect to the hon. Gentleman, look, the Government is constantly boasting about its manifesto commitments that it has been complying with and every single time the hon. Gentleman, Mr Garcia, issues a press release that seems to be a ticking of a box, that is one more manifesto commitment.

Now, does he not accept that, in relation to something as important as the 1999 Agreement, there was at least an obligation on the Government to make some kind of announcement, preferably in this House that, from this day on, the Government is not abiding, or has directed that no one abides, by the 1999 Agreement. Doesn't he agree with me about that?

Hon. Chief Minister: Mr Speaker, I do not accept that what he calls the 'tearing up' of the 1999 Agreement is something of the importance that he tries to give it today in this House for his self-serving purposes because although, of course, that was a very important plank of policy on which we were elected, which was clearly set out in our manifesto, it was so clearly set out in our manifesto that unless the hon. Gentleman is saying that I should have asked the town crier to take our manifesto on 9th December, stand at

the Piazza and make and read it out in the form of an announcement... well, Mr Speaker, that is our manifesto, those are our policies.

But, look, I have told the Hon. the Leader of the Opposition in this House and he was here, so he must have heard it, but I know that he wants to have the debate *himself* on the issue now that Mr Caruana is not here. I have told him that my view, and any independent third party legal observers' view' would be that (a) that was not an agreement and (b) it was void *ab initio* because it offended the constitution and the rule of law.

Hon. D A Feetham: I am not here to defend the 1999 Agreement or debate the 1999 Agreement. We had a debate about that.

We are actually looking at the process that led us into the mess that we are in *now*. That is what I am asking questions about.

Now, let me just take the hon. Gentleman through the chronology. The hon. Gentleman opposite got elected, got elected... (*Interjection by the Chief Minister*). I will ask him a question, I'll ask him... he seems to be unduly angry today and it really does not suit him to be angry. He is actually much more effective when he is his jokey self. Let me just give him that advice. (**Hon. Chief Minister:** He is much more effective when he is quiet!). Alright, but you have to listen to me and you have to answer my questions. Let me take you through the chronology and I will then ask you the question.

The hon. Gentleman opposite got elected into Government on 8th December. Nothing happens in terms of the way the police enforce the Nature Protection Act, absolutely nothing, until Mr Kaelan Joyce, on 11th March asks Mr Cortes, 'Look here, nothing has happened about this. The police continue to enforce the 1999 Agreement in exactly the same way as prior to the General Election. What is going on?' The hon. Gentleman, Mr Cortes, says 'No, no, no, we have directed the police to do *x y* and *z*' – and all hell breaks loose.

Now can the hon. Gentleman tell me what was different from Election time to when Mr Cortes made his comments on Facebook. What was different, or what was done differently by this Government that was occurring or what was being done differently in Gibraltar than what was being done prior to the General Election?

Hon. Chief Minister: Mr Speaker, I am not going to fall into the hon. Gentleman's web because I am not going to base my answer on the false chronology that he has set out.

First of all, there is no 'mess', there is not 'all hell breaking loose' although, clearly, the hon. Gentleman's premise is to try and prove that the answer I gave our mutual friend Mr Searle is contrary to what is happening and therefore he needs to build up, at whatever possible loss or damage to Gibraltar there may be, that it is the Government of Gibraltar that is somehow to blame for what is happening at sea.

Mr Speaker, first of all, anybody who has been observing British-Gibraltar territorial waters for the past 14 days would not describe what is happening there as a 'mess' or as 'all hell breaking loose'. Second, Mr Speaker, the hon. Gentleman obviously does not like my interventions in the Spanish media but clearly follows them. He will know, Mr Speaker, that when I appeared on a television programme late in the evening on a Saturday from the north of Gibraltar, an intervention which he described as not statesmanly because his definition of statesmanly is the only one that matters in his world – so be it. What was said on that programme was that Gibraltar was divided on the issue because *they* – the GSD, Mr Caruana in particular – had brought the Fishing Agreement to the House and were defending it. Today he says he is not defending the Fishing Agreement. (*Interjection*) Well, Mr Speaker, he might like to know that the Spanish media do not take that approach – the mere fact that he is asking these questions is being referred to in the Spanish media as him and his party continuing, as they had set out to do last time, to defend the 1999 Agreement in this Parliament.

Well, Mr Speaker, so be it. That is what they are elected for. They are elected to defend in this Parliament the things which they believe are right and if they did an agreement in 1999 as a Government, although he then, although he does not like to be reminded, was a member of *this* party not of *that* party, but they did an agreement in 1999. Well, look Mr Speaker, so be it. Let them defend it, but let them at least have the political integrity to say that they are defending it.

And, Mr Speaker, if Gibraltar is divided on the subject because *they* are taking the same line as Señor Landaluce and as the Palacio de Santa Cruz and as Mr Margallo, (**Members:** Oh!) look, so be it, Mr Speaker. Spain...

It is a shame indeed, Mr Speaker, but so be it. It is a shame that Gibraltar is divided but they are the ones dividing and so be it!

But, look, Mr Speaker, Spain is divided on the trilateral because the *Partido Socialista Obrero Español* – the PSOE – presently the Opposition, in many instances continues to defend the trilateral and says only that it was suspended because the now Leader of the Opposition, then Chief Minister, wished to bring sovereignty into the discussions. Mr Speaker, our position on that is well known, and I am not going to repeat it here because, if I repeat that, why should I not repeat our press release of 2006?

I do not recognise *any* of what the hon. Gentleman wants to set up as the hypothesis into which he draws me for an answer, which will give him the self-serving result that he is seeking. For us the position is so naturally and intuitively clear that we have made the position known, in Gibraltar in this Parliament, in Gibraltar in our manifesto, in Gibraltar in press releases, in Gibraltar in Facebook, in Gibraltar in face-to-face contacts with people that we meet and explain our policies to; and, internationally, as well.

We do not mind defending the position that we have taken, that the 1999 Agreement is void *ab initio*, that it is contrary to the rule of law and contrary to the Constitution. Why doesn't he want to get up and say that he is defending the 1999 Agreement? Let him have the courage of his convictions and say to this House that he sides with Margallo and Landaluce and Arias Cañete, and everybody else – there is no shame in that. If you believe it, you believe it!

Hon. D A Feetham: Mr Speaker, he really has learned well at the feet of the master, Mr Bossano, because he really does not give me a straight answer to a question. (*Interjection by the Chief Minister*)

But, Mr Speaker, he knows as well as I that, in 1999, I was not a member of the party opposite and I was *not even in Gibraltar*. But let me tell you – because I was in the UK, as he often is very fond of actually pointing out – let me tell you one thing, that if, in 1999, I had considered the terms of the 1999 Agreement and if I were to be intellectually honest with myself, I would have come to the conclusion that the principles underpinning the 1999 Agreement were good for Gibraltar. And they were good for Gibraltar not least because, in fact, they were the same principles underpinning enforcement of the 1991 Nature Protection Act from 1991 to 1995 or 1997, five of whose years Mr Bossano was Chief Minister of Gibraltar; and, of course, as a good socialist, I would have supported, actually, yes – the principles underpinning the 1999 Agreement are good for Gibraltar because it is simply a re-statement of what was happening when Mr Bossano was Chief Minister of Gibraltar.

He says that I criticise him for being unstatesman, well look, I criticised him for being unstatesman for criticising Mr Caruana on a Spanish programme, that he has done twice, without Mr Caruana being there, and I tell him again in this House to his face that that is unstatesmanlike and it is not about – I can defend the 1999 Agreement but we have already *had* a debate about the 1999 Agreement – but let me tell him this, that I do not say that the 1999 Agreement, and the Leader of the Opposition does not say, that the 1999 Agreement was the only way that you could skin this particular cat. No, that is not what we are saying. We would not have resiled from the 1999 Agreement because we would not have touched something that was not broken. But there are other ways that he could have dealt with the problem, but what you do not do is make an announcement on Facebook! What you certainly do not do is not give any kind of advance notice to the people that had been affected by this. Now let me ask him this – did he actually talk to the mayors of La Linea or Algeciras, or the fishermen, or did he, more importantly, communicate to the Convent so that the Convent could communicate, or to the United Kingdom Government, so that the United Kingdom Government could communicate to the Spanish Government that *your* Government was, from a particular date, not going to be abiding by the 1999 Agreement. Now, did he do that?

Hon. Chief Minister: Mr Speaker, I did not know that the hon. Gentleman had, as his main constituency of support, Spanish fishermen. Alright, well let me try and answer the many points that the hon. Gentleman has made in the lead-up to his question, as follows: Did I communicate to the Convent etc, etc?

Mr Speaker, I believe and I have a lot of respect for the people who make up what the hon. Gentleman generically calls 'the Convent': not enough of them, because I think if there were more of them here it would be even easier to interact with a Government as open and transparent as ours is... I have a lot of respect for them and, therefore, I believe that they will have read our manifesto. Therefore, they will have had communicated to them not just that but so many of the other things that were going to happen on the new dawn of 9th December. They certainly were ready for so many of the other things that we were ready to do on that day.

A Member: So?

Hon. Chief Minister: Mr Speaker, I believe that I communicated with the Convent by way of the manifesto. That, and so much else, and everybody else who read the manifesto can understand Mr Speaker that our manifesto, excellent document that it is, leading manifesto ever to have been presented to the people of Gibraltar that it is, has been read far and wide, well beyond the frontiers of Gibraltar.

Mr Speaker, I have just bought – and I do not usually share my purchasing foibles with all Members of the Parliament – but I have just bought – and it has been an ambition of mine for many years – the 20 volume Oxford Dictionary, and I bought it Mr Speaker just before Oxford University Press decided that they were never going to print it again. This is the last edition: from now on they will only be available on CD-rom. I will allow the hon. Gentleman to come to my office to peruse the definition of ‘announcement’, if he wishes. It does not mean what the hon. Gentleman would like it to mean for the purpose of this question.

When you repeat something, you are not announcing it Mr Speaker. So, is it, Mr Speaker, that the hon. Gentleman does not just introduce us to a new constituency that is relevant and has to be consulted in Gibraltar when the Government of Gibraltar determines what it is going to do with Spanish fishermen. Is it that he is introducing us to a new concept of Damascene conversion: you see, a Damascene conversion usually happens in the future. One has a Damascene conversion as one goes forward, but the hon. Gentleman is now telling us that he *would have had* a Damascene conversion (*Laughter*) if he *had* read the 1999 Agreement at the time. An Agreement which the party of which he was then a member – unless he allowed his membership to lapse when he was in the United Kingdom, but he came back to form part of its Executive as if he had been a member throughout – was then totally against, and the party which is he is *now* a member, was totally in favour of.

Is he telling us that this historic Damascene conversion, or Damascene conversion in reverse, would have meant that if he could make a quantum leap he would have made the political leap four years before he did. It is a fascinating concept, Mr Speaker. There are better theologians among us than me, who might want to consider it in careful detail, but what really, Mr Speaker, is worthy of analysis is the fact that anybody who *is* intellectually honest, and has, not just first year legal training, A level legal training – I do not know whether they do GCSEs, Mr Speaker, GCSE legal training – would know from a cursory perusal of the 1999 Agreement that it is an ‘agreement’ in inverted commas, because it is not signed by anyone, it is a statement by a particular government. It is clearly a document, a policy, that the law of Gibraltar should be broken, by a certain class of people, at a certain time, in a certain place, in a particular way, by the use of nets more than 225 metres from the shore after that date in 1999.

Mr Speaker, that is to drive a coach and horses through the concept of the rule of law. It is to drive a coach and horses through constitutionality and, Speaker, the thing I find most troubling is that (a) he who took an oath for four years not just like I have taken in all the time that I have been in this House, but like only three people have taken – the Hon. the now Leader of the Opposition, himself and the Hon. Mr Licudi, not just to demean ourselves for Queen and country but actually to uphold the rule of law, an oath beyond the oath that normal parliamentarians take, should be defending not just *today* the 1999 Agreement, but say that he would have defended it *back in 1999*, that is, Mr Speaker, difficult, if not impossible, for me to reconcile with what is my reality. But the hon. Gentleman may have another reality, and he might want to explain it to us, but perhaps somewhere else, Mr Speaker, because here he is to ask questions and not to explain reality.

And (b), Mr Speaker, the other thing that I find difficult to comprehend, and I consider dangerous is that anybody who has *glanced* at the United Nations Convention on the Law of the Sea, who has looked both at the Montego Bay version and the 1958 version, who understands customary international law and how it applies to the seas around any territory, not even necessarily anything other than a territory, will know that, from time immemorial, the territorial waters around the shoreline were three miles, based on the cannon-shot rule, and this 1999 Agreement, beyond being a breach of the rule of law, beyond being unconstitutional, actually creates a regime that might be interpreted by our enemies falsely – let me put down that marker – falsely, even though they allowed it to happen for the twelve years they were in Government since it was signed, and I say falsely, Mr Speaker, in the interests of Gibraltar because it is important that I say falsely, in the interests of Gibraltar, but not because of anything they did, that the territorial ambit of Gibraltar law extended only to 225 metres from our shores.

The danger for Gibraltar in respect of the international legal position and the protection of British-Gibraltar territorial waters, our jurisdiction and control over them, the habitat issue on the East side, and the whole jurisprudence which we defend, and have defended, and every Chief Minister in the history of Gibraltar since the 1960’s when this issue became live, has defended, is clearly imperilled by that. (*Applause*)

Hon. D A Feetham: Mr Speaker, if it were somebody on this side of the House that sought to re-open the debate that we had a month ago we would have been brought to order because the reality is that I have asked different types of questions and the hon. Member is seeking to have a debate on the 1999 Agreement.

I do not mind having a debate on the 1999 Agreement but we have had it a month ago, but I am certainly not going to allow the hon. Member, whatever his platitudes and his speeches, off the hook in relation to how we have got into this mess in the first place. Now, does he not accept that, looking back in retrospect, this issue of the 1999 Agreement and how one tears up the 1999 Agreement – call it a memorandum of understanding or whatever it is that you wish to call it – but it has not been dealt with well by the Government side because, for example, you could have actually called in the Mayors of La Linea and Algeciras, the fishermen, in the same way as you are having discussions with them now, because you are having those discussions with them now, and say to them ‘Look here, as from six months’ time the 1999 Agreement is out of the window: we have six months within which to come to an agreement. If we don’t come to an agreement within six months, that is the end of it, chaps.’

Does he not think that is a more intelligent and a more reasonable way of dealing with this particular issue than just simply have Mr Cortes making announcements on Facebook?

Hon. Chief Minister: Mr Speaker, obviously never the twain shall meet.

Mr Cortes did not make an announcement on Facebook and my invitation stands. I am expecting it to arrive – hopefully in the next seven days – I am ‘frasmotie’ with excitement about its arrival and he can come and check the word ‘announcement’. I am sure there will be every possible definition except the one he wants to give it – which is to repeat something that one has already said.

Mr Speaker, he needs to understand that intellectual rigour does not allow somebody to say this memorandum of understanding arrangement policy etc, etc offends the rule of law, let me negotiate with you for the next three months or next six months, or next twelve months how we correct the position. Because then, Mr Speaker, one becomes a participant in the rule of law being broken, that is why, Mr Speaker, our policy, set out in our manifesto, is in explicit terms – it says *immediately*. Because one cannot tolerate a breach of the rule of law if one is committed to the rule of law and constitutionality. One does not negotiate how to redress unconstitutionality or breaches of the rule of law. One may sit down to discuss new regimes, but one cannot perpetuate, if one has any intellectual rigour, such breaches.

But, Mr Speaker, let us take the hon. Gentleman and his example, and apply it to the manner in which the people who he seems to be holding a brief for have themselves torn up the trilateral agreement – ‘torn up’ is a figurative. Unless I missed it, because the *Partido Popular* were elected before we were in post, although they were sworn in more or less on the same day as we were elected. I have not seen any correspondence with the previous administration from the *Partido Popular* saying, ‘Look, chaps, we are thinking of tearing up the trilateral process. Shall we talk about it for three months, or for six?’ No, Mr Speaker, not at all. I will do the Honourable His Excellency the Foreign Minister of the Kingdom of Spain, which I understand is the correct way of referring to a Minister of another country in a Parliament, at least the intellectual honour of saying that he has explained his position. He has said publicly on a number of occasions the trilateral process broke the Spanish dogma on what the position was in respect of recognition of Gibraltar, it elevated it, in his view, to the level of the United Kingdom and Spain and ‘that was anathema and unacceptable to us and the first thing I had to do was to deal with it before, then, writing to Mr Hague, setting out our position in that respect, starting to redress the balance from where the PSOE left us and starting to get the position back for Spain.’

Of course, Mr Speaker, for anybody reading *Hansard* in 20 years’ time, I do not agree with that position, but that is the position that Mr Margallo has put in the public domain. *This* Government in respect of the fishing thingy, the memorandum of understanding, agreement, policy etc, whatever you want to call it, took a very clear position. Breach of the rule of law, breach of the constitution, immediate rescission – set out in our manifesto! If people do not read our manifesto, Mr Speaker, so be it. I read the *Partido Popular* manifesto. The position was set out in their manifesto. Wherever I go, I say that the issue of the trilateral process was set out in the manifesto of the *Partido Popular* and the issue in respect of the fishing agreement was set out in our manifesto. The people of Spain chose the *Partido Popular* manifesto and that has to be respected and the people of Gibraltar chose the *GSLP* Liberal manifesto and that has to be respected.

Mr Speaker, that is the position, so I do *not* accept any of the premises on which the hon. Gentleman wishes to hang his question. Mr Speaker, frankly, we are having this debate not because I want to have it, because he knows that everything we say here is read in the *Palacio de Santa Cruz* and is read in both the party headquarters of the PSOE and the *Partido Popular* and it is demonstrated by the fact that when I was on

1055 that particular programme, the senior *Partido Popular* international affairs adviser said ‘*Caruana ha defendido en el parlamento de Gibraltar el acuerdo de 1999*’ – ‘Mr Caruana has defended in the Parliament of Gibraltar the agreement of 1999.’

1060 So, Mr Speaker, it is up to him. We can continue to have this debate here or, if he likes, despite the many years since we have done this, I will have him downstairs for a beer and we can continue it downstairs. I do not think that they can hear what we say over a lager!

Hon. D A Feetham: Yes, when he said ‘I’ll see him downstairs’, I thought for a moment that he was going to do what the Hon. the Minister for Employment did a number of months ago and invite me to the ante-room of this Chamber –

1065 **Hon. Chief Minister:** It’s unlikely to be a *mano a mano*. Chips and lager, rather than anything else!

Hon. D A Feetham: Well, a glass of wine for me, lager for you. I am partial to wine, rather than larger...

1070 But, look, I have here a dictionary definition of ‘announcement’. It says ‘a notice appearing in a newspaper or public place and announcing something’.

The words that were used by the Hon. the Minister for Health were these, on Facebook:

‘Government does not support the 1999 Agreement and has given a direction to this effect.’

1075 Does he not agree with me that that is an announcement? And does he not agree with me that it is a derogation of everything that is what it is to be parliamentary, to make an announcement of this kind on Facebook, rather than in this Parliament? And does he not agree with me that there is a fundamental distinction between what is in a manifesto commitment and just simply saying to people, ‘No, you read my manifesto,’ and making an announcement about... ‘Well, look, as from this particular date, we have taken this particular position in relation to that manifesto commitment.’

1080 It seems to me that he has a very strange way of dealing with international diplomacy, just simply saying, ‘No, hang on a minute, let the Spaniards read it in our manifesto,’ despite the fact that, perhaps, these individuals – and I am not here to hold a brief for these individuals – I am here to hold a brief for the people of Gibraltar because you have placed us in a monumental mess. That is the reality. And the reality is also that, over the next four years, we will see played out in this House and in politics in Gibraltar a clash of philosophies: the philosophy of this side of the House that says that you fight the battle that is vital to Gibraltar and you do so with intelligence and you do so with reasonableness; and the philosophy going back to the 1980s and Mr Bossano, which basically says that conflict with Spain is the best type of policy with regard to Spain. That is the reality.

1085 Does he not agree with me that that *is* an announcement, and looking back in retrospect, that you should have dealt with this in a different way?

Hon. Chief Minister: Mr Speaker, I know that the hon. Gentleman wants to say the same thing on a number of occasions and he does not get tired of hearing himself, even if we do get tired of hearing him!

1095 Mr Speaker, I may have a strange way of handling international diplomacy, according to the hon. Gentleman. It appears to be as strange a way as the Hon. His Excellency the Foreign Minister of the Kingdom of Spain, who did not follow what the hon. Gentleman believes to be the right model of international diplomacy. He announced, as his party had done already in its manifesto, what *his* view was, in keeping with the hon. Gentleman’s definition of ‘announcement’, in relation to the trilateral and that Gibraltar was Spanish and that this ‘joke’ is over etc. So, Mr Speaker, my definition of international diplomacy appears to be the same as that of the Foreign Minister of one of the major European powers, as Spain undoubtedly is.

1100 Mr Speaker, that may be a clash of philosophies, it actually may be a clash of ideologies, but so be it. That is what Parliament is about: debating those issues and those differences. But what I will not accept, however upset the hon. Gentleman may be in his presentation in order to impress the public, is that John Cortes made any announcement.

1105 I am not going to repeat the invitation to come and look at the definition of ‘announcement’ in my dictionary. It is still there, but if he pushes me, I am going to withdraw it, Mr Speaker, because I am very proud of those volumes that I have bought and do not want anybody just thumbing through them.

Mr Speaker, this is not an announcement. The Hon. Mr Cortes said something on Facebook which was

1110 about having given effect to our manifesto. Our manifesto is clear on all of these issues. I do not consider that we are making announcements when we are giving effect to the things in our manifesto. That is just not the way that we understand it.

The hon. Gentleman seems to want me to get up in this House, or in the piazza, and start reading the manifesto. It will then be set out in stone, he will then have considered it announced, and then we can be repeating it.

1115 Mr Speaker, by the definition of ‘announcement’ that *he* has given to this House, this manifesto has been in the public place, in every letterbox in Gibraltar from which it was not pulled out by people who might not be identifiable. It was read by everybody in Gibraltar who wanted to read the manifesto. It is available online at *change.gi* and at *gslp.gi* and at *liberal.gi*.

1120 I am not going to read from it, Mr Speaker, in order to ensure that everything in it is now deemed announced and only repeated thereafter. It is deemed announced the day that it was published. Otherwise, Mr Speaker, they have to start with ‘It’s time for change’. This manifesto does not contain every commitment we have etc.

1125 Mr Speaker, we made the announcement in exactly the same way as the *Partido Popular* made *their* announcement as to the trilateral. In fact, Mr Speaker, as I referred to the Hon. the Leader of the Opposition, at the last session in this House there were press releases, there were answers to Questions, there were debates, I even think there were motions in 1988, in 1999, in 2000, thereafter. Mr Speaker, the position could not have been clearer. Now what the hon. Gentleman is doing is becoming an apologist for those who might not have read the manifesto and have been caught by surprise. So be it, Mr Speaker.

1130 What we are going to do for the next three-and-a-half years in government, as I have said in every intervention I have made before the Election and after the Election, is always defend the interests of Gibraltar and the people of Gibraltar first and foremost; and second, Mr Speaker, in relations with our neighbour to the north, extend, as we do to every kingdom and every republic in the world, the hand of friendship, co-operation and understanding and, at the same time as I deal with the attacks upon Gibraltar which the Kingdom of Spain unleashes regularly, whether *they* are in government or *we* are in government, with what *they* say is the way that they deal with international diplomacy or what they say is the way *we* deal with international diplomacy, the attacks are constant. We will rebut the attack, Mr Speaker, and at the same time, as we say to Goliath, ‘You are wrong on that,’ we will extend the hand of friendship, co-operation and understanding. That, Mr Speaker, is the best way, in our judgement, to defend the interests of Gibraltar and the Gibraltarian people.

1140 We are very proud of the work that this Government has done on this and every other issue since 9th December.

The hon. Gentleman can now set up another premise to try and ask me another question to try and catch me out on the basis of his hypotheses, which no doubt will delight those who read this *Hansard* or hear this debate from Madrid. Up to him – or we can have that beer.

1145 **Hon. D A Feetham:** If the hon. Member thinks that what he says is in the best interests of everybody in Gibraltar and what *he* says is in the best interests of Gibraltar has to be accepted as gospel as being in the best interests of Gibraltar, or when he says, ‘We have got to defend Gibraltar in this particular way,’ that everybody has to accept that as being gospel, well, he has got another think coming. I am afraid that we will do our duty, as an Opposition, to point out what have been glaring inadequacies, glaring fluffing of lines by the Government, and by the Chief Minister in particular, in relation to how this issue has been handled.

1150 But look, I note, and I am giving him one more opportunity before I sit down –

Mr Speaker: I do not think you –

1155 **Hon. D A Feetham:** – and I do not ask him –

Mr Speaker: Order! Order!

1160 **Hon. D A Feetham:** But he has not answered this question, Mr Speaker!

Hon. Chief Minister: Yes, I have.

Hon. D A Feetham: No, he has not answered.

1165 **Mr Speaker:** I heard a question, but I may not –

1170 **Hon. D A Feetham:** What actually has happened? What happened from the day that the hon. Member was elected as Chief Minister on 8th December, to March when the Hon. Mr Cortes made his comments – let's put it neutrally – on Facebook, what actually happens, in relation to the enforcement of the 1991 Act, which was different to the way it was being done before, because even Kaelan Joyce was actually complaining 'nothing is happening'.

1175 The hon. Member may refuse to give me an answer – he has already refused to give me an answer on something as important as the Cordoba Agreement, but that is to the detriment of proper debate, it is to the detriment of the people listening who actually want to know the answers to this question, and it is also to the detriment of the democratic process – and *he* claims to be a defender of democracy in Gibraltar!

1180 **Hon. Chief Minister:** Look, but Mr Speaker, nobody who is listening is foolish enough to think that what we are doing is in any way affecting the quality of democracy *in any manner* other than to improve it so substantially that the hon. Members opposite now get 10 chances a year to ask this Government questions, when we used to get two or three to ask the hon. Gentlemen questions. (*Applause*)

1185 Nobody who is listening is foolish enough to think that we give less full answers than the hon. Members gave when they were on this side of the House. Nobody who is listening is foolish enough to think that the hon. Gentleman is doing anything other than seeking the immediate oxygen of publicity for his ambition to lead his party and to try and win a General Election.

1185 Nothing that he is doing or saying in the premise of his question is true because, Mr Speaker, just because I do not read out to him the press release from 2006 does not mean I am not giving the information. Nothing about that, Mr Speaker, suggests that I am trying to thwart the democratic process.

1190 Mr Speaker, it is quarter to five in the afternoon on the first day of summer. To have to sit here and listen to this is not to be seriously challenged by an Opposition asking questions; it is to be teased by somebody who is intent on throwing more bait about this Chamber than a Spanish fisherman needs to throw when he casts his nets illegally in Gibraltar waters and, really, Mr Speaker, I am not going to fall for any of that bait.

Hon. D A Feetham: So the answer is that you refuse to give me an answer to a quite reasonable question.

1195 The hon. Member is very good at the wide platitudes and speeches in this House, but the purpose of the process in this House is for us to ask questions. It is a perfectly reasonable question, and the Hon. the Chief Minister has completely refused to answer it.

1200 **Hon. Chief Minister:** Mr Speaker, I have answered it in a way that the hon. Gentleman does not like, namely we *announced* in our manifesto what our policy was. It was set out previously in answers to Questions and in this House. That would have been communicated to the law enforcement agencies with immediate effect on 9th December 2011, as the regime that now was relevant.

1205 That issue was confirmed by the Hon. the Minister for the Environment in a communication on Facebook, and that is the position. The hon. Gentleman asks me again and again and again the same question, in the hope that maybe, if he shakes the tree enough, an apple might fall, which, if he eats it, might convert him from an electoral frog into an electoral prince, so that he could become the Chief Minister of Gibraltar. Well, it is not going to work, Mr Speaker.

1210 The answers have been given. A proper debate is always a delight for the Government, if the hon. Gentleman wants to put a motion, but in *this* place where we are now on the Agenda, Question Time requires that they seek information. We have given the information. Just because they do not *like* it does not mean that they come back again and again and ask the same question.

Commissioner of Income Tax Arrears agreements

1215 **Clerk:** Question 574, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister confirm that the Government has instituted a policy to allow

1220 the Commissioner of Income Tax to have discretion to enter into arrears agreements in appropriate circumstances?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

Hon. D A Feetham: Can he elaborate on the principles underpinning those circumstances in which arrears agreements will be entered into?

1230 **Hon. Chief Minister:** Mr Speaker, that is a matter for the Commissioner of Income Tax because the discretion is his to exercise.

Hon. D A Feetham: Well, not exactly.

In his manifesto, (*Interjection*) the hon. Member... He is talking to the Minister for Justice.

1235 **Hon. Chief Minister:** I am allowed to – (*Interjections*)

Hon. D A Feetham: In his manifesto, he said that this would be limited to circumstances of hardship. That is the principle underpinning the circumstances in which these agreements would be entered into.

1240 Is he now saying that there is a different principle, or no principle at all, because it is the Commissioner who simply exercises discretion and that is it – that the principles are to be determined by the Commissioner of Income Tax?

1245 **Hon. Chief Minister:** No, Mr Speaker, it is none of those. It is that the Commissioner of Income Tax exercises his discretion in cases of hardship.

Hon. D A Feetham: So, effectively, the principle underpinning these agreements is if there is genuine hardship. That is the principle underpinning it.

1250 **Hon. Chief Minister:** Mr Speaker, I really think that the hon. Gentleman needs to give some thought to things. If there is no hardship, then how would the Commissioner of Income Tax have his discretion engaged? Because the individual does not *wish* to pay, and the Commissioner for Income Tax might want to consider whether he allows him to pay in a different way, or not pay at all? It *must* be, Mr Speaker, perforce, a discretion that is engaged on hardship.

1255 If the hon. Member stops and gives it some thought, he might not get up and ask the same question again.

Hon. D A Feetham: I have to say that the hon. Member... It is taking him all of seven months, since he became Chief Minister, to exhibit the kind of characteristics that he was criticising the now Leader of the Opposition when he was Chief Minister, because he is high-handed in the way that he answers the questions. It is a perfectly legitimate question to ask. You *could* have other criteria, other than hardship.

1260 So the answer is, effectively, it is limited to circumstances of hardship – that is the answer, is it?

1265 **Hon. Chief Minister:** Mr Speaker, I do not know whether to take that as a compliment, because the hon. Gentleman spent most of September to December saying that the characteristics he now accuses me of having, which I accused the Hon. the then Chief Minister of having, were the ones required to run Gibraltar effectively and that people should ensure that they voted for him. So I do not know whether he is saying that he is going to go out and campaign for me... I do not know but, frankly, it might be the kiss of death, and that may be the last thing I need.

1270 I have made the position very clear. If you have some intellectual rigour, you will understand that hardship needs to be engaged in these circumstances before a discretion can be exercised. The hon. Gentleman's question is generic. I will give him at least the opportunity of saying that the way that he has phrased his question might engage corporate entities and corporate entities cannot feel hardship, because hardship is an emotion or an issue which is engaged when dealing with human beings. But financial hardship would be something that involves a corporation.

1275 There is no intention, Mr Speaker, on the part of the Government, to ever create a discretion in policy or in statute which can be exercised by a senior civil servant in cases where people have the ability to comply with requirements of the law, whether it is payments or otherwise, and they do not wish to do so with the alacrity that the law requires. That is not something we would ever consider. But where there is hardship, Mr Speaker – and it must be *financial* hardship – then the senior civil servant *should* have a discretion, in our view. The senior civil servant in this instance is the Commissioner for Income Tax, Mr Speaker.

1280 I think it is pretty clear now, unless the hon. Gentleman just wants to have an argument for the sake of having one. Anybody who has seen the *Monty Python* sketch where somebody knocks on the door that says ‘Arguments’ and is told by the person sitting behind the desk, ‘No, I’m afraid this isn’t Arguments,’ and the fellow then says, ‘Yes, it is!’ – ‘No, it isn’t!’ etc... Unless that is what he wants, Mr Speaker, the discretion is for cases of financial hardship, in the case of individuals’ hardship. That is it, Mr Speaker.

1285 That is the position. Why should it be otherwise?

Hon. D A Feetham: The hon. Member is like an onion: you peel away the layers and... you have to peel away the layers before you actually get to the answer.

1290 **Hon. Chief Minister:** I just said this to make him cry, Mr Speaker! (*Laughter*)

Hon. D A Feetham: He started off... At least now I have got the answer, but he could have answered in this particular way at the first attempt.

1295 First of all, the Hon. the Chief Minister started by saying to me, ‘No, no, it’s a matter for the Commissioner of Income Tax.’ Then, when I said to him, ‘Well, actually, your manifesto says that it is going to be limited to circumstances of hardship,’ he said, ‘Yes, yes, it’s hardship.’ (*Interjection*) Then, in the middle of the answer he talks to me about emotional hardship and he ends up by concluding, ‘No, no, no, it only applies to financial hardship.’

1300 I do not want to have an argument with anybody. I have tried to be restrained in the way that I have conducted the questions this afternoon, despite the fact that the hon. Gentleman has peppered his answers with huge amounts of personalisation directed at me. Look, I could have, in fact, at any point mentioned and reminded the hon. Member of the role that he played in my exit from the GSLP and the letters of resignation that *he* drafted –

1305 **Mr Speaker:** Order! Order! Order!

Hon. D A Feetham: – of the then executive members, but I did not, because I want to keep this just simply on the issues. That is all. Nobody is trying to argue here.

1310 **Mr Speaker:** Okay, the –

Hon. Chief Minister: Mr Speaker, if I might just deal with this. First of all, I am not going to get involved in debating *his* version of things that happened many years ago, which is as warped and as thwarted of reality as everything else that he says in this House, about the letters which *he* probably drafted etc.

1315 The hon. Gentleman compares me to an onion. I am not going to compare him to any vegetable in particular. Well, in fact, Mr Speaker, I should probably not go any further in respect of that analogy.

We have made the position very clear in respect of what the discretion is and the Commissioner of Income Tax. He was asking us about the manifesto. The position is clear: the discretion is there – how could it be anything other than hardship?

1320 I think he and I owe the listening public in Gibraltar not to continue to play out those issues which he has with me, which I certainly do not have with him, as the pretext (*Interjection by Hon. D A Feetham*) for every question that we are going to have in this House and every debate that we are going to have in this House. Can he just, please, keep it to asking questions, because, Mr Speaker, I am very keen to keep it to answering questions.

1325 But look, Mr Speaker, if *he* wants to put things, to needle and to push and to suggest que *el que tira la piedra y esconde la mano* and he throws it there and he thinks I am not going to pick it up, Mr Speaker, I will give him back as hard as he throws, but we owe the public to leave those public issues aside, to debate matters in this Parliament with maturity and with respect, and to respect Question Time as what it is and not to turn it

into a debating time.

1330

Hon. D A Feetham: Mr Speaker, I associate myself entirely with the words of the Chief Minister.

Mr Speaker: Thank you.

1335

Hon. D A Feetham: Let's hope that he does as he has so eloquently outlined just a few moments ago.

1340

**Tax breaks
Software/IT and media industries**

Clerk: Question 575, the Hon. D A Feetham.

1345

Hon. D A Feetham: Can the Chief Minister state what tax breaks the Government envisages introducing for the use of Gibraltar as a jurisdiction for research and development in the software/IT industries which are now established in Gibraltar, as well as productions by television, cinema and the music industry?

Clerk: Answer, the Hon. the Chief Minister.

1350

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, when the Government considers it appropriate, we will make *announcements* about tax breaks in this and any other areas.

1355

Hon. D A Feetham: But the Government, in principle, is committed to effectively doing what I have asked him in that particular question, is it not?

Hon. Chief Minister: Mr Speaker, the Government, in principle, is committed to doing what it says about these particular areas in its manifesto, where we have announced our policies in respect of this matter.

1360

Hon. D A Feetham: Can he tell me whether there is any particular timeframe that he has in mind in relation to this particular commitment?

Hon. Chief Minister: Mr Speaker, the only thing I would tell the Minister is that it is usual for announcements in respect of taxation to be made at Budget time.

1365

**Office of Fair Trading
Timeframe for introduction**

1370

Clerk: Question 576, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state when the Government will be in a position to introduce an Office of Fair Trading?

1375

Clerk: Answer, the Hon. the Chief Minister.

1380

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, one is tempted to remind the House of the answer given by the Hon. the Leader of the Opposition, when he was Chief Minister, about Members of the Opposition not being timekeepers of the Government's manifesto commitments; but so be it.

Mr Speaker, the Government is in the process of drafting the necessary legislation to create an Office of Fair Trading. This will result in a Command Paper being published to allow consultation in respect of the manner of establishment of the Gibraltar OFT.

1385 **Unite and GGCA representatives**
Meetings with Chief Minister

Clerk: Question 577, the Hon. D A Feetham.

1390 **Hon. D A Feetham:** Can the Chief Minister state how many times in an official capacity he has met Victor Ochello of Unite and Michael Tampin of GGCA Prospect?

Clerk: Answer, the Hon. the Chief Minister.

1395 **Hon. Chief Minister (Hon. F R Picardo):** I think it is just GGCA, by the way.

Mr Speaker, it is not possible to provide an accurate number for this question as I have met both Mr Ochello and Mr Tampin on very many occasions indeed since 9th December on official business, either on the basis of pre-arranged meetings or because they have asked to see me at short notice or have attended meetings I have had arranged with others. The non-numerical answer is on very many occasions indeed; but, anyway, who's counting?

1400

Hon. D A Feetham: Has he spoken to either of these two individuals – or have they raised with him, I should say, the use of cadets from the Future Jobs Strategy within the public service? Has that been something that has been discussed at all between you?

1405 **Hon. Chief Minister:** I am not going to come to this House, however transparent and accountable I may be, to tell the hon. Gentleman the content of my conversations with every trade unionist that I meet, but I can tell him, Mr Speaker, as this is a very specific question, that it has not been raised with me at all.

1410

Engagement of private consultants
Details

1415 **Clerk:** Question 578, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state how many private consultants have been engaged by the Government since 9th December 2011, providing details of the areas where they have been engaged and the cost in relation to each engagement?

1420 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this Question with Questions 579 to 581 and 587 and 589.

1425

Ministerial travel costs
Details

1430 **Clerk:** Question 579.

1435 **Hon. D A Feetham:** Can the Chief Minister provide a breakdown of travel costs of each Minister, including the Chief Minister, on official business since 9th December 2011, giving a breakdown by Minister, the purpose of the trip, the accommodation stayed at by the Minister, the cost of air fares, chauffeur-driven cars, accommodation and subsistence?

ANSWER TO QUESTION 589

Answer to question 578

DETAILS	VALUE
Bathymetric Surveys Camp Bay and Sandy Bay	£ 4,700
Refuse disposal options	£ 33,000
Proposed housing development	£ 4,850
Proposed housing development	£ 4,850
Proposed housing development	£ 9,000
Proposed housing development	£ 7,000
Options for road and tunnel project	£ 22,565
Proposed housing development	£ 8,900
Proposed housing development	£ 4,400
Western Beach reclamation	£ 40,000
Western Beach reclamation	£ 4,500
Western Beach reclamation	£ 7,000
Bathymetric Survey	£ 2,350
Airline business development in Gibraltar	£13,750 pm July – Dec 2012
Dementia Care	£60,000
Gap analysis of Tug & Towage operations within the Port	£29,844.89
Establishment of University in Gibraltar	£25,000
Preparation of tender documentation	
(1) External refurbishment & associated works to New Police Barracks	£4,875
(2) External refurbishment & associated works to Arengo's House	£4,875

Contd.....

ANSWER TO QUESTION 589

ANSWER TO QUESTION 587/2012

Minister for Traffic, Health & Safety and Technical Services

Date	Purpose of use
15/12/2011	Visit to Gibraltar Car Parks
07/01/2012	Gymnastics Extravaganza, Tercentenary Sports Hall
11/01/2012	Site visit to various Government car parks
01/02/2012	Meeting at Motor Vehicle Test Centre
02/02/2012	Site visit to various Government car parks
13/02/2012	Official Opening of Young Artist Exhibition at Gustavo Bacarisa Gallery at Casemates Square
01/03/2012	Meeting at Finance Centre Board Room in Europort
13/04/2012	Site visit to airport tunnel
14/04/2012	Miss Gibraltar show at St. Michael's Cave
26/04/2012	Malaga airport - Flight to Rotterdam
28/04/2012	Collect from Malaga airport
21/05/2012	Heritage, Education and Tourism talk at John Mackintosh Hall
22/05/2012	Official opening of Spring Art Festival, Gustavo Bacarisa Gallery at Casemates Square
25/05/2012	Jubilee Taekwondo Champions at Tercentenary Sports Hall
07/06/2012	Corpus Christi Ceremony at John Mackintosh Square

Total 15

Minister for Enterprise, Training and Employment:

Date	Purpose of use
08/05/2012	No.6 Convent Place to Bayside School
02/06/2012	Return from UN Decolonisation Seminar at Quito Ecuador - Malaga Airport to Gibraltar
10/06/2012	Residence to Gibraltar airport - 30th Anniversary of Falkland Liberation

Total 3

Minister for Housing and the Elderly:

Date	Purpose of use
23/02/2012	Medallion of Distinction Reception at City Hall
17/03/2012	DSA old time and modern sequence dance club event at Central Hall
22/03/2012	Freedom of the City - Lord Greville Janner at City Hall
29/03/2012	Presentation of prizes in St. Bernard's Club at Community Centre
31/03/2012	CCC Sequence dance club 41st Anniversary Ball at Central Hall
02/04/2012	Launch by Chief Minister of book by Dr. Garcia at the Garrison Library

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
14/04/2012	Miss Gibraltar show at St. Michael's Cave
22/04/2012	Transfer to Gibraltar airport - Jubilee celebrations in London
24/04/2012	Presentation of oil painting of Bishop Caruana in St. Bernard's Club at Community Centre
12/05/2012	CCC Sequence dance club at Central Hall
05/06/2012	Albert Risso House - Jubilee Celebrations
09/06/2012	Transfer to Gibraltar airport - CPA Conference at Edinburgh

Total 12

Minister for Health and Environment:

Date	Purpose of use
12/12/2011	St. Bernard's Hospital taken to Primary Care Centre & KGV
15/12/2011	GHA to Joshua Hassan House
16/12/2011	GHA to Mr Britto's retirement party
16/12/2011	Mr Britto's retirement party and taken to Shop Stewards' Reception at Jumper's Bastion
16/12/2011	Jumper's Bastion to GHA
20/12/2011	St. Bernard's Hospital to Primary Care Centre - Meeting with GPs
21/12/2011	St. Bernard's Hospital to Presentation at KGV Hospital
03/01/2012	St. Bernard's Hospital to the Cathedral of St. Mary the Crowned
16/01/2012	No.6 Convent Place to St. Bernard's Hospital for meetings at office
17/01/2012	Joshua Hassan House to site visit at cemetery and Europa Point
20/01/2012	St. Bernard's Hospital to Parliament
10/02/2012	St. Bernard's Hospital to No 6 Convent Place
14/02/2012	Joshua Hassan House to GHA for meeting
21/02/2012	GHA Office to No.6 Convent Place for meeting
23/02/2012	Joshua Hassan House to GHA for meeting
24/02/2012	St Bernard's Hospital to No 6 Convent Place (La Linea visit)
28/02/2012	Joshua Hassan House to site visit - Master Service at New Harbours

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
29/02/2012	No 6 Convent Place to GHA - meetings
07/03/2012	No 6 Convent Place to GHA - meetings
07/03/2012	No 6 Convent Place to GHA - meetings
09/03/2012	GHA to No.6 Convent Place - meetings
14/03/2012	GHA to No.6 Convent Place - meetings
15/03/2012	Parliament House to GHA - Presentation of donation
19/03/2012	Joshua Hassan House to KGV Hospital and Coaling Island
20/03/2012	GHA to Waterport re:Trees planting ceremony
20/03/2012	GHA to No.6 Convent Place - meeting
21/03/2012	No 6 Convent Place to GHA - meetings
21/03/2012	GHA to John Mackintosh Square - Heritage Trust
04/04/2012	GHA to No.6 Convent Place - meeting
05/04/2012	No 6 Convent Place to KGV Hospital
11/04/2012	St Bernard's Hospital to meeting at No.6 Convent Place
12/04/2012	Joshua Hassan House to GHA - meeting
13/04/2012	No 6 Convent Place return to St Bernard's Hospital - meeting
16/04/2012	St Bernard's Hospital to Ince's Hall - Rock recycyle launch
19/04/2012	St Bernard's Hospital to meeting at No.6 Convent Place
04/05/2012	No 6 Convent Place to GHA - meeting
10/05/2012	Joshua Hassan House -Site visit to Master Service in New Harbours
15/05/2012	Joshua Hassan House to GHA re meeting
18/05/2012	Les Miserables Concert at St Michael's Cave
21/05/2012	No 6 Convent Place to GHA
22/05/2012	Parliament House to St Bernard's Hospital
22/05/2012	St Bernard's Hospital to Parliament House
29/05/2012	Joshua Hassan House to GHA -Airport air Disaster Exercise
31/05/2012	Joshua Hassan House to Tercentenary Sports Hall - World Environment Day
01/06/2012	GHA to Clubhouse Project at Toc H
06/06/2012	No 6 Convent Place to GHA
06/06/2012	GHA to No 6 Convent Place - meeting
07/06/2012	Air Quality presentation at Bleak House
12/06/2012	Joshua Hassan House to Upper Rock Royal visit

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
14/06/2012	Meeting at Convent Place and taken to GHA
14/06/2012	Meeting at GHA and taken to Joshua Hassan House
14/06/2012	Joshua Hassan House - visit to Gibraltar Community Projects - Europa Advance Road
	<u>Total 52</u>

Minister for Tourism, Public Transport and the Port:

Date	Purpose of use
19/01/2012	Parliament House to Malaga airport - Fitur / Madrid
21/01/2012	Malaga airport to Gib - Fitur / Madrid
25/01/2012	Europort to Gibraltar Federation Small Business in Irish Town
02/02/2012	Europort office to No 6 Convent Place - Presentation - Upper Rock
03/02/2012	Europort office and taken to Rock Hotel - Bland Group presentation
07/02/2012	Meeting with Minister for Employment at New Harbours
09/02/2012	Europort office to Portland House at Isola's - Gibraltar Ship Arrest Symposium
09/02/2012	Lubrigant Tank Farm - site visit in North Mole
10/02/2012	Europort office to Irish Town - M.H. Bland
13/02/2012	Europort office to No 6 Convent Place for meeting
21/02/2012	Meeting with Deputy Chief Minister and other Ministers at No 6 Convent Place and then transferred to Gibraltar Airport - U.K. Nottingham Road Show and Gibraltar House Airline meeting
26/02/2012	Collected from Gibraltar airport - Road show and airline meetings
28/02/2012	Reception hosted by Vine Trust at No 6 Convent Place
29/02/2012	Europort office to Board of Chamber of Commerce - Lunch
02/03/2012	Gibraltar Crystal Factory at Casemates - Site Visit
05/03/2012	Victoria House
10/03/2012	Collected from Gibraltar airport - Seatrade International, Miami
13/03/2012	Europort office to Funeral
21/03/2012	Europort office to meetings at No.6 Convent Place
31/03/2012	Residence to Air Terminal - BMIBABY inaugural call

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CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
14/04/2012	Residence to Miss Gibraltar show at St Michael's Cave
18/04/2012	Residence to Business dinner meeting - Palmones 'El Copo' Restaurant
24/04/2012	Europort office to Mons Calpe Suite - UK Gibraltar Tourist Association
24/04/2012	UK GTA - Dinner at Elliots O'Callaghan Hotel
26/04/2012	Europort office to Bruno's Resturant - Gibraltar Super Yacht Forum
02/05/2012	Inaugural call - Serenade of the Seas, North Mole
25/05/2012	Europort office to Lunch - Literary Festival at Caleta Palace
29/05/2012	Europort office to airport - Airport air Disaster Exercise
11/06/2012	Europort office to Gibdock - Royal visit
12/06/2012	Europort office to North Mole - Royal visit to the Port - Gibraltar Port Authority
13/06/2012	Europort office to Air Terminal - Royal visit
	<u>Total 31</u>

Deputy Chief Minister:

Date	Purpose of use
16/12/2011	Hon Britto retirement at King's Bastion Leisure Centre and Rock Construction Lunch at Latino's in Casemates Square
19/12/2011	CM Christmas reception at The Mount
02/02/2012	Chess Festival at Caleta Palace Hotel
06/02/2012	Site facilities - St Michael's Cave
07/02/2012	Site visit - St Bernard's Hospital at Mackintosh wing
17/02/2012	Collect Simon Hughes MP and Ryan Wain from Gibraltar Airport taken to O'Callaghan Hotel - VIP visit - College of Further Education and St Christopher's School
18/02/2012	VIP visit Simon Hughes MP and Ryan Wain- Rock Tour
19/02/2012	VIP visit - Simon Hughes MP and Ryan Wain transfer to Gibraltar Airport and lunch at Charlie's Steak House at Marina Bay
19/02/2012	VIP visit - Simon Hughes MP and Ryan Wain collected from Elliot's Hotel and taken to Gibraltar Airport
21/02/2012	Site visit Charles the V and Grand Battery
21/02/2012	On site visit to Deputy Governor's House garden

Contd...

CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
05/03/2012	On site visits - Victualling Yard and Dutch Magazine
17/03/2012	Dr Ruth Fox - Parliamentary Commission dinner at Waterfront
18/03/2012	O'Callaghan Hotel / Dr Ruth Fox visit to Parliamentary Commission at Mackintosh Hall
20/03/2012	Collected from O'Callaghan Hotel / Dr Ruth Fox Departure Airport
01/04/2012	Airport Sir Graham Watson arrival and dinner with Chief Minister
02/04/2012	Sir Graham Watson meeting with Chief Minister and Deputy Chief Minister at No.6 Convent Place
14/04/2012	Miss Gibraltar show at St Michael's Cave
17/04/2012	On site visit Upper Rock at pig poultry Farm
19/04/2012	Upper Rock visit - pig poultry farm
28/04/2012	Workers Memorial Ceremony at House of Parliament Lobby
18/05/2012	Taken to Parliament House for Parliament Question and Answer session
11/06/2012	Royal visit at John Mackintosh Square
11/06/2012	Royal visit dinner at Rock Hotel
12/06/2012	Garden Party at the Convent
13/06/2012	Royal visit Air Terminal tour
	<u>Total 26</u>

Minister for Education, Financial Services, Gaming, Telecommunications and Justice:

Date	Purpose of use
21/12/2011	Residence to Ceremonial Opening of Parliament
16/01/2012	Residence to Lunch - HMS Daring at Dockyard
14/02/2012	Old HM Prison (Moorish Castle)
06/03/2012	School visit at St Mary's First School, St Bernard's School, Sacred Heart School, Hebrew School and St Martin's School
07/03/2012	School visit at St Mary's First School, St Bernard's School, Sacred Heart School, Hebrew School and St Martin's School
14/04/2012	Miss Gibraltar show at St Michael's Cave
19/04/2012	Transfer to Gibraltar airport - To attend Gun Salute in UK
08/05/2012	Private dinner at The Mount
10/05/2012	Young Enterprise Awards at Rock Hotel and Lombard Odier 25th Anniversary dinner at Mons Calpe Suite
16/05/2012	Conference in Vienna - Transfer to Malaga airport
19/05/2012	Conference in Vienna - collect from Malaga airport

Contd...

CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
11/06/2012	Official dinner hosted for the Earl and Dutchess of Wessex at Rock Hotel Khaima
12/06/2012	Cable Car Mons Calpe Suite to Parade at Grand Casemates and Convent Garden Party
<u>Total 13</u>	

Minister for Sports, Culture, Heritage and Youth:

Date	Purpose of use
08/01/2012	Residence to Victoria Stadium - GFA football match
19/01/2012	Residence and to La Linea, Palacio de Congresos - Real Balonpedicas Anniversary
21/01/2012	Residence to Central Hall - 100th anniversary of St Joseph's FC
01/02/2012	Ministry of Culture to - Site meeting Upper Rock
08/02/2012	Residence to Ocean Village - GBC Sports Award
09/02/2012	Residence Tercentenary Hall, Boxing
09/02/2012	Ministry of Culture to GibDock - Press call
16/02/2012	Residence to City Fire Brigade & Central Hall (trophies)
21/02/2012	Ministry of Culture to Bleak House Presentation of Certificates to AquaGib employees
06/03/2012	Ministry of Culture to Youth Clubs visit
17/03/2012	Residence to Ince's Hall - Gala night / Drama Festival
27/03/2012	Ministry of Culture to visit to Retreat Centre and Flat Bastion Magazine
28/03/2012	Residence to dinner at Caleta Hotel - Gibraltar International Rugby
12/04/2012	Residence to El Patio/Rock Hotel - Miss Gibraltar dinner
13/04/2012	Ministry of Culture to GJBS visit followed by visit to airport terminal
14/04/2012	Residence to Miss Gibraltar show at St Michael's Cave
19/04/2012	Residence to Gibraltar fashion week party at The Mount
26/04/2012	Residence to Malaga airport - Little Constalation Art Workshop in Genoa Italy

Contd..

CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Date	Purpose of use
30/04/2012	Malaga airport to Gibraltar - Little Constalation Art Workshop in Genoa Italy
02/05/2012	Ministry of Culture to Girl Guides Premises (visit)
08/05/2012	Ministry of Culture to Gibraltar Airport - receiving boys Football Team
16/05/2012	Ministry of Culture to Scouts premises (visit)
17/05/2012	Ministry of Culture to St Theresa's Church - Concert of sacred music
23/05/2012	Residence to Caleta Hotel - dinner - Gibraltar Philatelic Bureau at Nuno's Restaurant
24/05/2012	Ministry of Culture to Book Launch at Garrison Library and Philharmonic concert at St Michael's Cave
25/05/2012	Residence to Ince's Hall - LOL Productions - 'Happy Flying'
31/05/2012	Residence to John Mackintosh Hall - Gibraltar Academy of Dance Production - 'An Audience with the Queen'
01/06/2012	Ministry of Culture to - opening of Strait Games in Algeciras
01/06/2012	Ministry of Culture to site visit to parks around Gibraltar
02/06/2012	Residence to Strait Games in Algeciras
06/06/2012	Residence to Zarzuela at John Mackintosh Hall
08/06/2012	Residence to Urban Dance show at Alameda Open Air Theatre
08/06/2012	Ministry of Culture to presentation of Trophees at Bayside School
09/06/2012	Netball presentation in Boyd's at Kings Bastion
10/06/2012	Residence to The Mount - Rugby - Presentation of Awards
11/06/2012	Residence to John Mackintosh Square for Royal Visit
11/06/2012	Residence to Royal visit dinner at Rock Hotel Khaima
12/06/2012	Residence to Calpe Rowing Club for boat naming by HRH
12/06/2012	Residence to Queen's Birthday Parade at Casemates

Total 39

Contd...

CONTD ANSWER TO QUESTION 589

CONTD. ANSWER TO QUESTION 587/2012

Minister for Equality and Social Services:

Date	Purpose of use
02/02/2012	Visit to adult Disability Centre
26/03/2012	Site meeting at the old RNH hospital
17/04/2012	Transport to Gibraltar airport - Travelling to UK to attend a seminar
04/05/2012	Outing organised by St. Bernadtte's Resource Centre for service users at Granja de Aves, Jimena De La Frontera
10/05/2012	Gibraltar Airport collection
11/05/2012	Gibraltar Airport drop off
01/06/2012	Site meeting at the old RNH Hospital
11/06/2012	Dinner hosted by the Hon the Chief Minister in honour of the Earl and Duchess of Wessex at The Rock Hotel Khaima
12/06/2012	Queen's Birthday Parade at Grand Casemates and Garden Party
13/06/2012	Visit by the Earl and Dutchess of Wessex to the Laguna Social Club and the Laguna Youth Club
<u>Total 10</u>	

Joint use of official cars:

Date	Purpose of use
<u>Deputy Chief Minister & Minister for Health and Environment:</u>	
24/02/2012	La Linea Mayor visit (From No.6 to several locations)

Deputy Chief Minister and Minister for Tourism, Public Transport and the Port:

27/04/2012	On site visit at Air Terminal
<u>Total 2</u>	

1510

CONTD ANSWER TO QUESTION 589

Answer to Question 589

(a) Contracts over £2,000 awarded by direct allocation.

	Description	Company	Date	Value
1	Emergency works Main Sewer Collapse	Precise Civils	10.12.11	£77,323.92 (to date)
2	Emergency works Main Sewer Collapse	Wastage Products Ltd	10.12.11	£72,103.92 (to date)
3	Emergency works Main Sewer Collapse	Portman Ltd	10.12.11	£20,116.25 (to date)
4	Emergency unblocking/desilting of foul sewer and culvert at North Front	Wastage Products Ltd	May 2012	£8,890.00
5	Emergency repairs to stormwater systems Europa Point	Precise Civils	Feb 2012	£2,150.00
6	Emergency repairs and improvements to Frontier Fence	GJBS	May 2012	Pending valuation
7	Urgent resurfacing of holding area by frontier east gate	AMCO	March 2012	£18,203.83
8	Highway maintenance, repairs and resurfacing works – Holding over the contract previously awarded until new tender.	AMCO	March 2012	£179,018.54
9	Western Beach – Car park platform reclamation	CK Transport	May 2012	£140,000
10	Urgent installation of Fire Alarm System - Port	Gibtel	Feb 2012	£5,705
11	Inspection/Audit of Gibraltar Port Operations and infrastructure	Noble Denton	-	£5,000

CONTD ANSWER TO QUESTION 589

Answer to Question 589

(b) Contracts over £2,000 awarded by Tender

SERVICES TENDERS

Tender:	Security Guards at Tourist Sites
Contract Period:	13/02/12 – 12/02/14
Company:	Bland (OSG), Cloister Building, Irish Town
Value:	£134,352.00 p.a.
Tender:	Security Joshua Hassan House
Contract Period:	01/02/12 – 31/01/14
Company:	Detectives & Security (Int) Ltd, Suite 1, Leon House, Secretary's Lane
Value:	£43,652.28 p.a.
Tender:	Summer Nights
Contract Period:	09/05/12
Company:	Casemates Tenants Association
Value:	£39,840.00
Tender:	Art, Design, Printing and Supply of an EU Funding Newsletter
Contract Period:	08/02/12 – 07/02/14
Company:	Roca Graphics Ltd, 21 Tuckey's Lane
Value:	£2,540.00 p.a.
Tender:	Combined Business Insurance Policy for KBLC
Contract Period:	21/03/12 – 20/03/15
Company:	Westmed Insurance Services Ltd, Regal House, Quensway
Value:	£25,000.00 p.a.
Tender:	Collection & Treatment of WEEE, Heat, Pump, Batteries Fire Ext & other Equipment
Contract Period:	19/12/11 – 18/12/15
Company:	Metalrok Ltd, 64 Devil's Tower Road
Value:	Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Contd...

CONTD ANSWER TO QUESTION 589

Answer to Question 589

SUPPLY TENDERS

Tender: Blocks and Bricks
Contract Period: 10/04/12 – 09/04/14
Company: Gaggero Cemats & Building Supplies, 7/9 Halifax Road
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Ironmongery
Contract Period: 01/05/12 – 30/04/12
Company (1): EJ Hammonds & Sons Ltd, Unit 52, New Harbours
Company (2): Euroship Supplies, Unit 7, Industrial Park
Company (3): Gaggero Cemats & Buildings Supplies, 7/9 Halifax Road, North Front
Company (4): Interbuild, 12 New Harbours
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Paint & Paint Accessories
Contract Period: 01/02/12 – 31/01/14
Company(1): Corner Shop Ltd, Unit 5A, 30 Devil's Tower Road, P.O. Box 77
Company (2): D & H Ceramics, 60 Devil's Tower Road
Company (3): Interbuild, 60 Devil's Tower Road
Company (4): Marr Co Ltd (T/A The Paint Shop), 4005 Eurotowers, Europort Road
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

Tender: Protective Clothing
Contract Period: 29/06/12 – 28/06/12
Company (1): Cotton Leisure, Unit 14, Block 5
Company (2): Euroship Supplies Ltd, Unit 7, North Mole Industrial Park
Company (3): Gaggero Cemats Home & Building Supplies, 7/9 Halifax Road
Company (4): Portman Ltd, Unit F17, Europa Business Centre
Company (5): Stitch & Print, 12A Renown House, Laguna Estate
Value: Framework Contract with Schedule of Rates. Unable to give value as this is dependant on volumes

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CONTD ANSWER TO QUESTION 589

Answer to Question 589

GOVERNMENT CLEANING SCHEME CONTRACTS

- | | | |
|------------------------------|---|---|
| 1. City Fire Brigade | - | Awarded to Environmental Support Services Ltd in the sum of £2,537.60 per month in April 2012 for 1 year. |
| 2. Post Office & Mail Centre | - | Awarded to JFM Shine Cleaning Service in the sum of £2,548 per month (Winter Hours) and £2,392 per month (Summer Hours) in May 2012 for 1 year. |

Other Contracts (by Quotation)

- | | <u>Reason</u> |
|--|---|
| 1. Purchase of Air Conditioning Units for new offices of Gibraltar General Support Services Ltd – R & J Refridgeration - £3,700 – March 2012 | Urgency |
| 2. Purchase of Site Lab Analyser and Accessory Kit for Department of Environment – Severn Trent Services Ltd, UK. In the Sum of £13,794 – March 2012 | Specialist Equipment
only one supplier |
| 3. Purchase of Specialist Site Sampling Equipment for Department of Environment – Niton UK in the sum of £19,995 – March 2012 | Specialist Equipment
only one supplier |
| 4. Purchase of CCTV Monitor for Port Authority – Hammonds Ltd in the sum of £2,059 – April 2012 | Urgency |
| 5. Purchase of Lifeguard Boats (3) and Beach Trolleys (3) – Altimore Trading Co Ltd in the total sum of £5,730 – June 2012 | Urgency |
| 6. Creation of television advert for anti-fouling campaign – Word of Mouth in the sum of £2,500 – May 2012 – 3 quotes obtained | Urgency |

1520 **Hon. D A Feetham:** In relation to the travel costs of Ministers, I did actually look at the website, and the
information provided on the website only went up, I think, until March. Is he certain that that is the position at
the present moment? For example... and I do not know... An interesting question would be whether the
1525 obligation of the Government to provide the information is at today's date or at the date that the question was
actually asked. But is he saying that the information, for example, in terms of the cost of the hon. Gentleman's
visit to the United Nations, is also now currently on the website?

Hon. Chief Minister: Mr Speaker, I do not know whether the information relating to my trip to the
United Nations is on the website. I know that when the costs are invoiced and they are processed for payment
and the payment is made, those costs are then put on the website. Whether that is happening now on a
1530 quarterly basis, because of the new arrangements that we have as to purchasing and travel, I do not know the
answer to that and I am quite happy to find out. It may be that there is now more information on than when he
checked when he asked the question but still not information which is correct for the past four weeks or five
weeks because of the way that the billing happens.

The hon. Gentleman will know that I used to ask these questions when I was in Parliament and that, very
1535 often, two or three months after a trip had occurred I would be told by the then Chief Minister, 'Well, look,
yes, I did go on that trip but we don't yet have the final costs in because we haven't had the invoices
processed for payment.'

What is processed for payment is reflected online as paid and as cost incurred. So, Mr Speaker, if he wants
to review what those costs are on the website and then ask us questions about it, or if he wants to call me in
1540 my office, Mr Speaker, I will always take his call if he is concerned that there may be something... Perhaps
not immediately – I may be negotiating with Spanish fishermen! If he is concerned that there is a cost which
might have been incurred which is not up on the website, I am happy to look at it but, as far as I am told, Mr
Speaker, all of that information is now, when processed, put up.

1545 **Hon. D A Feetham:** Is there any reason why, at this particular session of the United Nations, the Hon. the
Chief Minister also travelled with, from the photograph I saw, Michael Llamas, Clive Golt, Gareth Flower,
Ernest Gomez and also the Deputy Chief Minister; and does he think that so many people going on a trip of
this nature provides the taxpayer value for money, though the necessity issue probably answers the question
1550 about the taxpayer getting value for money.

Hon. Chief Minister: Yes, Mr Speaker, I do, but I am very disappointed that we took that many people. I
was very keen to take one more. I extended an invitation, as the hon. Gentleman knows, to the Leader of the
Opposition to travel with us, and he refused the invitation for reasons that I think *he* should be allowed to deal
1555 with, not us.

I considered everybody who came on the trip to be central to the trip. The cost of travel, he will be
delighted to know, is per individual about a third of what it was when the Hon. the now Leader of the
Opposition used to travel, because we shop around for our tickets and, therefore, taking a larger number has
cost much less than it would have under the old regime.

Mr Speaker, I think it is very important in the way that this Government is going to continue its fantastic
1560 international diplomacy, to engage with the United Nations, also with the Chief Legal Officer, to engage with
the Deputy Chief Minister, because we met also, he will know, with the UK mission representative in New
York. We met with other individuals from the Committee of 24 as we progress our policy, Mr Speaker, of
expanding representation of Gibraltar at that august body, including taking young individuals and pursuing
the possibility of legal challenges etc.

1565 Mr Speaker, I am now paid to make these judgements. I made it; I think it was appropriate. I wish I could
have taken one more. I hope I can take one more in October. That is the way that we believe that we best
defend the interests of the people of Gibraltar at the United Nations.

1570 **Hon. D A Feetham:** Yes, he does not appear to have liked my comments about the way that he conducts
diplomacy. There is no need for the hon. Gentleman to be offended by it; I did not mean it in an offensive
way.

But is it the intention, in the future, of the Government to be taking as many as, effectively, six individuals
to the United Nations? Is that the policy for the future as well?

1575 **Hon. Chief Minister:** I am sorry to tell the hon. Gentleman, and disappoint him, but he is not able to offend me.

But anyway, Mr Speaker, the position of the Government has been explained on a number of occasions and I am surprised that he is asking me about it. Our position is to take many more Gibraltarians to the United Nations to expose them to the work that the UN does. So, not only am I intending to take my Press Officer, my Chief Legal Officer, my Deputy Chief Minister, my Chief Secretary etc, for all the reasons that that is important, Mr Speaker; I am also intending to take young people from the comprehensive schools at a time which does not interfere with their exams, which now, unfortunately, every year seems to include exams in June, whether one is in what we might have called the third form or the fifth form. I am intending to take, if other NGOs want to take up the offer, other NGOs both to the C24 and to the Fourth Committee. The issue this time was to engage with the secretariat in order to open up those possibilities for Gibraltarians.

Mr Speaker, I think this is one of the real clashes of philosophies, if he wants to call it that – I call it a clash of ideologies – between the two parties. We believe in the value of addressing the United Nations and engaging with the United Nations, and that, Mr Speaker, is what the people of Gibraltar have chosen, because we specifically set that out in our manifesto. Sorry – I should have said *announced* in our manifesto.

1590 **Hon. D A Feetham:** Yes, I doubt whether we will be quibbling about clashes of philosophy in relation to how many people travel to the United Nations. (*Laughter*) When I spoke about the clash of philosophies, I was speaking about something a little bit more fundamental than that.

Mr Speaker, I also am very grateful to the Hon. the Chief Minister for the answers in relation to the official cars. Is his Government continuing with the policy that was in place when we were in Government in relation to how official cars are actually booked out to Ministers, which is through the Chief Secretary's Office; or has he set up a different criteria for the booking of cars for Government Ministers?

1600 **Hon. Chief Minister:** Mr Speaker, the way that cars are booked for Ministers I do not think is one of the big ideological differences between us. As I understand it, this was the mechanism that was in place and the information has come from the Office of the Chief Secretary, because that is where the central booking system is for Ministers' cars.

1605 **Hon. D A Feetham:** So, effectively, the system in place – because, of course, this is an asset at taxpayers' expense, effectively, the use of an official car – was that one had to make an official request to the Chief Secretary's Office for the use of the official car for a particular function or in a particular way. Is he saying that continues to be the position today?

1610 **Hon. Chief Minister:** Mr Speaker, I am in the happy position of not having to do any bookings for an official car, as the hon. Gentleman will know, but I am reliably informed by all my colleagues that that is the position that is in place, or the standard that is in place, namely that one fills in a form and submits it to the Chief Secretary, and that is how one obtains a vehicle if one is a Minister.

1615

**GDC employees
Representations re grievances**

1620 **Clerk:** Question 582, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether he has received any representations or requests for a meeting concerning any grievances by GDC employees; and if so, by whom and when were the representations or requests for a meeting made?

1625 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have been requested by Unite to meet in respect of some issues arising at the GDC.

The request for the meeting was made by one of the GDC shop stewards some two or three weeks ago for

1630 a date to be fixed as soon as possible after they send me the list of issues for discussion, which I might add, Mr Speaker, has not yet been received by me.

Hon. D A Feetham: No, I appreciate what he is saying, that the list of issues has not been received by him.

1635 He may have heard some of the exchanges between myself and the Hon. the Minister for Employment, Mr Bossano and, effectively, there are two issues. The principal issue is the issue of the inability, as a consequence of a policy that has been instituted by Mr Bossano, of GDC employees and Civil Service employees who were formerly GDC employees not being effectively able to compete for the posts that are GDC posts, or formerly GDC posts, whether they be within the Civil Service that those posts were formerly GDC, or within the GDC, and the GDC employees at the time, through their union, felt that not allowing cross-promotion prospects was a unilateral variation of their contract.

1640 I note that on 27th January 2012 a letter was written on behalf of the union and it was copied... It was a letter written to Brenda Cumbo, and it was in fact copied to you, the Chief Minister of Gibraltar. It followed a letter of 26th January, which was to Mr Bossano, copied to the Deputy Chief Minister, and it said this:

1645 'This has obliged many affected members who required further clarification of their terms and conditions to take a decision under duress.'

1650 – because Mr Bossano was only giving up to 27th January in order to make the decision as to whether to stay in the Civil Service or to cross over to the GDC, or vice versa.

1655 'The fact that their genuine and reasonable request for further information and time to consider the same had been dismissed out of hand and without even the courtesy of a written reply has left many of the said members very distressed. Many of these members feel that they have been bullied into making an abrupt decision and go forward in an atmosphere of uncertainty, distrust and fear.'

Mr Speaker: I think there was –

1660 **Hon. D A Feetham:** Will the Chief Minister join with me to condemn any conduct, whether it be from his Government or wherever it may be, that effectively makes GDC employees feel as if they are moving forward in an atmosphere of uncertainty, distrust and fear and that they have been bullied into making decisions that are important to their future?

1665 **Hon. Chief Minister:** Mr Speaker, I will discuss with Unite what *they* consider to be the issues in relation to the GDC when they give me a letter telling me what they think those issues are, not on the basis of what the hon. Gentleman tells me *he* says the two issues are.

Mr Speaker, he has had the debate on this letter and all the rest of it with Mr Bossano on a number of occasions in this House, but there are many other things that we could debate. He could bring a motion for things, if he wants to debate them. This is Question Time, to elucidate information.

1670 Mr Speaker, my position is that I will meet with Unite to discuss the issues in respect of the GDC, such as they may be, whether they are the ones the hon. Gentleman has mentioned or others.

1675 Frankly, it was this Government, when in Opposition, that circulated a leaflet saying 'Ban the bully' because we believe that bullying has no place in the workplace. Mr Speaker, we believe we achieved that on 9th December and we will soon be bringing to Parliament, as soon as we are able, the laws on banning bullying in the workplace, which would, in effect, outlaw all the sort of behaviour that the hon. Gentleman is saying is referred to – not that I recognise that any behaviour of that sort has occurred since 9th December.

1680 **Spanish-national public sector workers
Grievances re terms of engagement**

Clerk: Question 583, the Hon. D A Feetham.

1685 **Hon. D A Feetham:** Can the Chief Minister state whether there has been, or whether he has received, any representations or requests for a meeting concerning any grievances by Spanish nationals engaged in the

public sector about their terms of engagement; and if so, by whom and when were the representations or requests for a meeting made?

1690 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, no such representations or requests have been received.

1695 **Hon. D A Feetham:** Is the hon. Member aware – or the Hon. Chief Minister, I should say – is he aware of a discontent within certain Departments, one of them being the Care Agency, and in particular amongst... The employees who feel most vulnerable are, in fact, Spanish nationals in respect of the renewals of their contracts, which include... I will read the clause to the hon. Gentleman. I quote:

1700 ‘You agree, pursuant to section 63B of the Employment Act, to exclude and waive all claims in respect of rights under the provisions of sections 59 and 64(2) of the Employment Act to have this agreement renewed upon expiry. Please note that this extension of employment does not give rise to an expectation of permanent employment at the expiry of the term.’

1705 **Hon. Chief Minister:** Mr Speaker, I am aware of that concern. It was raised with me and with the hon. Lady, the Minister for Social Services, by officers of Unite. Those clauses actually come from contracts and renewal letters which were in place when what he likes to call *his* Government was in office before 9th December, and Mr Speaker, as a result of representations from Unite, both of those clauses have been removed from contracts going forward.

1710 **Hon. D A Feetham:** Yes, well, I congratulate the Chief Minister in relation to that. (*Interjection by the Hon. the Chief Minister*) No, these particular clauses may have been included in first contracts, not in second contracts.

1715 Can he confirm this: that there is no general policy, by the Government that he leads, of effectively – I am looking for a less emotive word, but none comes to mind – the culling of Spanish workers from the public service in order for them to be replaced by Gibraltarian labour? Can he say that there is no such policy?

Hon. Chief Minister: Mr Speaker, is the hon. Gentleman seriously alleging that the Government of Gibraltar will put itself in breach of the Treaty of Rome? I am sure he is not. There will never be any discrimination on the grounds of nationality in *employment* by this Government.

1720

**Public sector
Grievances re terms of engagement**

1725 **Clerk:** Question 584, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister state whether he has received any representations or requests for a meeting concerning any grievances by workers engaged in the public sector about their terms of engagement; and if so, by whom and when were the representations or requests for a meeting made?

1730

Clerk: Answer, the Hon. the Chief Minister.

1735 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, other than in respect of the answer given already in respect of the GDC, let me assure the hon. Gentleman that, as I am sure was the case before the Election, the Office of the Chief Minister receives almost daily representations of grievances by workers engaged in the public sector. I deal with all of those that have an industrial relations aspect, and the Chief Secretary or the Head of Human Resources deal with any which involve administrative concerns.

1740

**Spanish mayors
Discussions re Gibraltar issues**

1745

Clerk: Question 585, the Hon. D A Feetham.

1750

Hon. D A Feetham: How many times has the Chief Minister met a mayor of Spain since the General Election where he has spoken about issues affecting Gibraltar, identifying the mayor, the location of the meeting and the date?

Clerk: Answer, the Hon. the Chief Minister.

1755

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, all meetings I have had with any Spanish mayor have been disclosed in the media.

1760

Hon. D A Feetham: Does he not have the details in front of him so that he can at least account to the Opposition in this House by providing the answer to the question in this House? Or is it again evidence of a change of practice by the Government, by the Members opposite, of effectively not answering the question and referring to press releases or information that is in public... (*Interjection*)

Surely the hon. Gentleman must recognise that he is, here, accountable to this Parliament and is, here, accountable to us on this side of the House. Does he not have the figures there with him so that he can provide me with the answer?

1765

Hon. Chief Minister: Mr Speaker, I am really quite taken aback by that question, for this simple reason. When I read this, Mr Speaker, I thought the hon. Gentleman was trying to get me to disclose any secret meetings I might have had with any Spanish mayor and account for a secret meeting: 'Ah, so you met Mr Bosch, who is the Mayor of San Roque, and you didn't say that you were doing so. What did you talk about? Why didn't you publish it?'

1770

Mr Speaker, I did not *imagine* for one moment that what he wanted was that I should bring a list of the... from memory, I think it is two or three occasions I have met Miss Araujo; on one occasion I met Mr Bosch; I think on two occasions I have met Mr Landaluce. If what he wants is a list and then he wants to go through the list and say, 'What did you talk about on the Thursday that you met Landaluce? What did you talk about on the Friday that you met Araujo?' I do not think that is the sort of debate that Parliament is about. I do not consider that is what openness and transparency and accountability to the Opposition is about.

1775

The hon. Gentleman knows, because he is deemed to have access to the media, all the occasions on which I have met Spanish mayors. He knows from the media what it is that I have discussed with them. If he wishes to ask me *anything* about that, I am quite happy to disclose information or have a debate with him about it, but if what he is saying is, 'You've got to come with a list,' he knows what the information is, because it is not being hidden, it has all been disclosed.

1780

What he cannot do, Mr Speaker – what he *cannot* do, Mr Speaker – is ask me about things which are in the public domain and force me to bring a list of things which are in the public domain. Otherwise, Mr Speaker, his next question could be, 'Will the Hon. the Chief Minister say how many press releases the Government has issued since 1st January?' and I will be forced to come to this House and say – 'I don't know; Mr García is now in charge, so there are many – Three hundred and fifteen since 1st January up to the date of the question.'

1785

That is publicly available information. That does not mean that I am not accounting to the Opposition. I would not be accounting to the Opposition if there had been a meeting with a Spanish mayor that has not been disclosed and I am trying to hide it, but that is not the situation. That is not how I do business, Mr Speaker. I am *totally* accountable, I reflect in the media any of these meetings, and the hon. Gentleman is free to ask me about those meetings and I will answer.

1790

Hon. D A Feetham: Mr Speaker, the hon. Gentleman is not here to speculate about the purpose of my Question. That is not his job. Indeed, he talks about debate: the purpose of Question Time is not, as he has emphasised on a number of occasions, to have debates. It is about me asking questions and him providing me with the answer.

1795

Does he really expect me to effectively collate every single article – *every* single article – that comes out in the *Chronicle* (*Interjection*) – *every* single article that comes out in the *Chronicle* (*Interjection*) – and say, ‘Alright,’ and then not be able to ask a reasonable question about, ‘Well, look, how many times have you met the mayors of these –

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

Mr Speaker: Order! Point of order.

Hon. Chief Minister: Standing Order 17.(1)(xv) provides that:

‘a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference.’

Therefore, Mr Speaker, given that I have confirmed to him that I have not had any meeting which has not been disclosed in the media, the Question seeks information which is set forth in accessible documents or ordinary works of reference. That is why I am refusing to answer it.

But, Mr Speaker, I am saying that if he wants to ask me about the substance of those meetings, which he must have followed like every other member of our community, I am happy to engage with him on those issues.

Hon. D A Feetham: Mr Speaker, it is just simply not acceptable to have a situation where you are expecting somebody to effectively collate every single article that has come out (*Interjection*) and then, because you can collate every single article (*Interjection*) that has come out, on that basis I would have to collate every single article in four years’ time, over four years, and say, ‘Right, well, there have been 19 meetings with mayors on the other side of the border.’ I do not think that that is a proper interpretation of Standing Orders, with respect to the Chief Minister.

It is not a difficult question. He has proved true to form yet again, because the Hon. Chief Minister... It is not only on this particular question, but it is on other questions during this session of Parliament. He had refused to answer perfectly reasonable questions, indicating that I should go back to 2006, rather than indicate what Government policy is on something as important as the Cordoba Agreement. If today was a test of his democratic credentials, then I am afraid that he has failed them abysmally.

Hon. Chief Minister: Well, Mr Speaker, today was a test of *his* industry. He has failed it abysmally, because he has shown how lazy he wants to be. He does not want to research (*Interjections*) what the policy is; he wants it *en bandeja*, on a tray. He does not want to go back to the policy statement of 2006; he does not want to read the manifesto. He wants me to get up in this Parliament, as if I did not have better things to do, and read him a press release and read him my manifesto. He does not *want*, Mr Speaker, to engage on the substance of what I discussed with the mayors. He wants a list, Mr Speaker. That is what he is reduced to, Mr Speaker. He is asking for lists. That is the Opposition that Gibraltar will have if he succeeds in his ambition and becomes the Leader of Her Majesty’s Loyal Opposition, because I do not think he will go much further than that.

Mr Speaker, Parliament is to debate issues, not to provide lists. We are trying to give agility to this Parliament so it becomes about debate. Every time they ask for something which is statistical information, we either say it is available online or we provide it and we say, ‘Look, we didn’t used to ask for this. We are providing it to you now. It will be available online from now on.’ Why, Mr Speaker? Because this place has to be a place of substance. *They* did not provide the information, so we had to ask for it and our substance had to come from the information gleaned as a result of a question. *They* have the benefit, Mr Speaker, of a Parliament now that is so open and transparent that the Government puts the information on its website, he can go download it, put his feet up, read it and come up with a political question based on the statistics that are available online.

What I am *not* going to do, Mr Speaker, and what none of my colleagues in Government are going to do, and what none of the public servants of Gibraltar are going to do for *him* is what *he* says *he* is not prepared to do, which is to keep a list. So it is too good for Daniel Feetham to keep a list and make a note; somebody else should do it for him, and I should be the one to do so.

Mr Speaker, he got it wrong. On 9th December, *I* became the Chief Minister, not him! (*Applause*)

Mr Speaker: Ruling on the point of order: the question is perfectly valid to ask the question that it does pose, but the answer is:

‘... all meetings I have had with any Spanish mayor have been disclosed in the media.’

That is the answer and, again, looking at the Standing Order cited by the Hon. Chief Minister, which is 17

—

Hon. Chief Minister: 17.(1)(xv).

Mr Speaker: Sorry, 17.(1) and it is subtitle (xv)... go back to it. I am sure the hon. Member knows where I am referring to:

‘The right to ask questions shall be governed by the following rules, as to the interpretation of which the Speaker shall be the sole judge’

— and (xv) says:

‘a question shall not be asked seeking information set forth in accessible documents or ordinary works of reference.’

The question has been asked and the answer refers to the accessible documents where the information is contained and, really, no matter how unsatisfactory the hon. Member may consider the position to be, that is the answer and the Standing Orders do cover that.

Hon. D A Feetham: Yes.

Mr Speaker, the hon. Gentleman has made a number of statements. If he got to be Chief Minister, quite frankly, I fancy the chances of many other individuals. That is —

Mr Speaker: Order! (*Interjections*) Order! Order! Order! (*Interjection by the Chief Minister*)

Hon. D A Feetham: But, Mr Speaker —

Mr Speaker: Order! I think... Exactly. Let’s stick to the questions, please.

I think if we are going to get down now to descend into whether the Hon. Chief Minister is good enough to be Chief Minister or not, that is really not the subject of the debate.

Hon. D A Feetham: Mr Speaker, I hope that what is good for the goose is good for the gander, ((*Interjection*)) because —

Mr Speaker: It will be.

Hon. D A Feetham: Yes, because his answers have been peppered with a number of almost Hollywood-style comments and personalisations, and I have been very restrained in the way that I have conducted myself during this session.

What about... and I hope that he does not get unnecessarily angry by this question, because he has got a... (*Interjection by the Chief Minister*) Unfortunately, he seems to be very angry today. (*Interjection by the Chief Minister*) What about the meeting that he had, from my reading of the *Gibraltar Chronicle*, in Algeciras with Landaluce, where they met by chance and had a coffee? Was that one of these meetings that he expects me to read about and that would have been included here? Did he discuss anything about Gibraltar then?

Hon. Chief Minister: Mr Speaker, it is a meeting with a mayor disclosed in the media. It was disclosed not just in the *Chronicle*, but in other sources of information, so what is the issue?

Mr Speaker: May I again interject over there?

Following on from my ruling, the answer being the meetings were disclosed in the media, we also, in this

1910 House, do have a practice that we do not necessarily believe and accept *everything* that has been reported in the media so, to a certain extent, it may not be enough to say they are disclosed in the media and then turn round and say ‘Don’t believe everything in the media.’

Hon. Chief Minister: But I specifically said that they have all been disclosed in the media. (*Interjections*)

1915 **Hon. D A Feetham:** The Hon. Mr Speaker makes a valid point, because, for example, one of the meetings that I was thinking about was this particular meeting. It could be completely and utterly fictitious that he has had that particular meeting with somebody in Spain, or it may be true.

1920 What the Hon. the Chief Minister is asking me – effectively, is establishing as a practice in this House – is for me to take my cue, or my party to take its cue from whatever Mr Reyes here writes, or whatever Dominic Searle or whatever GBC might care to report upon, and I do not think that it is satisfactory that... If that is the quality of the democracy that the hon. Gentleman stands for and wants to reduce proceedings in this House to, that is *his* position; we take a different position altogether.

Hon. G H Licudi: That is why we are here and you are there.

1925 **Hon. Chief Minister:** Mr Speaker, they take a different position altogether from 9th December, because he was in this House before and he knows what the position was.

1930 Mr Speaker, we have answered questions from the Hon. the Leader of the Opposition, who is not here today, who has referred us to statements in the *Chronicle*, whether written by Mr Reyes – who I recognise now at the Bar of Journalists in this House – or any other member of the media who has reported on them, and the Hon. the Leader of the Opposition is himself – and I have been given to describe him as empirical, but he is himself – not too grand to ask a question based on something he has read in a newspaper and to ask me about it, and *Hansard* will show that he has done so on *numerous* occasions since 9th December. What is wrong with that, Mr Speaker? Absolutely *nothing* is wrong with that.

1935 Mr Speaker, *every time* that we come to this House, the hon. Gentleman wants to say ‘That is the quality of the democracy; this is a U-turn Mr Speaker.’ If he wants to do that, Mr Speaker... I am not going to give him any political advice, because (a) he would not take it, and (b) I do not want to help him in his political endeavour. But one thing I will say is that politicians who cry wolf at every session of a Parliament will, in 48 months’ time, have been heard so often that, when they might have something serious to say, people will just say, living in a free society as transparent, open and democratic as it is, ‘*Ahi está Feetham otra vez, diciendo que no estamos en una democracia*’ – ‘There is Feetham again, saying that we are not in a democracy’ – and that, Mr Speaker, just will not make any sense. It will not ring true to anyone who has lived through the past 16 years and the most recent six months, because the quality of Gibraltar, Mr Speaker, I am delighted to say, has improved no end since the new dawn that broke on the morning of 9th December when the GSLP Liberal parties formed Government for the first time in 16 years. (*Applause*)

1945 **Hon. D A Feetham:** I have to say that not even Steven Spielberg holds a candle to the hon. Gentleman in the Hollywood style of the way that he answers some of these questions and the speeches that he actually gives.

1950 Can the hon. Gentleman at least help me with this: how many times has he met with mayors on the other side of the border to discuss the fishing dispute? Or is that something else that I have got to look up in the media?

A Member: Yes, yes.

1955 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman can call me Spielberg, or he can call me any of the other great directors that one would recognise. It really belies his own position when he gets up and he says, ‘Oh, you’re so Hollywood,’ and then he compares me to a Hollywood director. It is obviously he who is being Hollywood, and what the hell does... What on earth, Mr Speaker... (*Laughter*) What on *earth*, Mr Speaker, does Hollywood have to do (*Interjection*) with a serious debate in this Parliament – at Question Time, which should not be an excuse for debate, where information should be elicited which is not already in the public domain – at now twenty-to-six in the afternoon on the first day of summer?

1960 Mr Speaker, I am prepared to be here, answering questions which elicit information, for as long as the

1965 hon. Gentleman likes, but what I am *not* going to do is stand here to do the hon. Gentleman's work for him. On every occasion that we have discussed issues relating to fishing, the matter has been *reported*, Mr Speaker, as far as I am concerned. So, Mr Speaker, when I discuss issues related to Gibraltar, if the topical issue is fishing, then fishing will have been discussed. I have discussed those issues, on every occasion where it has been relevant, with the mayors.

1970 Mr Speaker, why does the hon. Gentleman want me to come here with a list? How does it advance his understanding of the issues to have a list of when fishing was discussed or was not discussed? What on earth, Mr Speaker, has that got to do with parliamentary democracy? That has got to do, Mr Speaker, with parliamentary listing, which is not what I am here for.

1975 **Hon. D A Feetham:** I will take my own counsel on what information I believe to be necessary (*Interjection*) for the proper conduct of our functions as an Opposition. The reality is that the hon. Member *yet again* is refusing to answer my question, so I will not pursue it.

Hon. Chief Minister: I am not refusing to answer his question.

1980 The hon. Gentleman has to get it into his head just because he does not get the answer that he wants does not mean that the Government is refusing to answer his question. He is just trying, Mr Speaker, to create this premise that the Government refuses to answer questions, because then he may be able to go out of here and issue one of his press releases that says, 'They say they're transparent, they say they're open, but they don't answer questions' when, in fact, the question has been answered, it has been answered clearly. The fact is that it is not only *him* that knows every occasion on which I met a Spanish mayor and discussed the fishing; the whole of the community will have known through the media – which is the expression of communication through which politicians communicate with members of the public – on which occasions I met with a Spanish mayor and on which occasions I discussed fishing and other matters.

1985 So it is not a question, Mr Speaker, of allowing him to get away with the suggestion that one is refusing to answer. One has *answered fully*. The information is in the public domain. He knows where it is; he just does not want to go and get it, Mr Speaker. His parliamentary laziness is not going to be visited on this Government as an absence of transparency and accountability. He is paid by the public to do a job. Let him compile the information which is in the public domain, if he wants it, and let him not accuse the Government of refusing to answer, when it clearly has.

1995 **Mr Speaker:** Since there was no – (*Interjection by Hon. D A Feetham*)
Order! Order! Since there was no question the last time round, I must assume there is no further question. We move to the next question.

Clerk: Question 586, the Hon. D A Feetham.

2000 **Hon. D A Feetham:** It is *his* laziness that got him into an awful lot of trouble in recent years – *his* laziness.

Hon. Chief Minister: Mr Speaker –

2005 **Hon. D A Feetham:** But I will ask more questions.

2010 **Hon. Chief Minister:** Mr Speaker, on a point of order, the hon. Gentleman is here to ask questions, not to make reflections on any individual. He has just made a reflection about what he says is my laziness. If he wants, Mr Speaker, he can elaborate on that. If he does not, well, in keeping with your ruling and the rules of the House... but here we are to ask and answer questions and nothing else, and he needs to be a little bit less upset, a little bit more calm, and just carry on.

2015 **Mr Speaker:** The Hon. the Chief Minister did say, or use the words the Hon. Daniel Feetham's 'parliamentary laziness'. He did say that, so I understand what prompts that response, but the hon. Member has not referred to the Hon. Chief Minister's *parliamentary* laziness but has directed it at his personal laziness, so let's draw a distinction there. Is it necessary to preface the question with 'laziness'?

Hon. D A Feetham: No, of course, and I will accept your ruling.

2020 **Mr Speaker:** Thank you.

Then please proceed with the Question. Question 586, was it? Yes.

2025 **Kingdom of Spain
Representations**

Clerk: Question 586.

2030 **Hon. D A Feetham:** Has the Chief Minister received any representation, directly or indirectly, from or on behalf of, the Kingdom of Spain on any issue since the General Election, identifying the issue and the person or persons making the representation?

Clerk: Answer, the Hon. the Chief Minister.

2035 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the Chief Minister has received many representations, directly and indirectly, on behalf of the Kingdom of Spain and other kingdoms and republics around the world, as I am sure was the case before the General Election of 2011 in respect of previous incumbents of the post of Chief Minister. It is neither possible nor appropriate to provide a list of all those contacts.

2040 The hon. Gentleman can, nonetheless, rest assured that none of the contacts involves the sovereignty of Gibraltar or any issue which touches and concerns any aspects of the sovereignty of Gibraltar.

2045 **Hon. D A Feetham:** Yes, I am not asking about representations from any other country, apart from the Kingdom of Spain, and I am asking about representations from the Kingdom of Spain which obviously relate to representations that the hon. Gentleman may have received on behalf of the central government in Madrid, whether it be directly or indirectly. If it had been directly, I think that we would have found out, but has he received any of that kind of representation, and can he elaborate upon that in this House today?

2050 **Hon. Chief Minister:** Mr Speaker, as I have said, I receive very many such representations from central and non-central governments or entities in the Kingdom of Spain. Mr Speaker, that is, as I understand it, absolutely normal.

2055 It is a very fluid process and, Mr Speaker, I do not think it is appropriate, given what the issues that are being discussed are in those sorts of contexts, that we should be discussing those issues across the floor of the House. If the hon. Gentleman has anything in particular in mind and he wants to raise it with me when we are having that beer, if he ever takes me up on it, then I am happy to discuss it with him.

Hon. D A Feetham: I am sorry, but why is it not appropriate for you to provide me with the information?

2060 Given that you accept that there have been representations on behalf of the Kingdom of Spain at the level that I have outlined, why is it not appropriate for him to actually provide me with that information? Unless, of course, what he is saying to me is, 'Look, I have received representation about a particular aspect. I don't want to prejudice how that aspect might actually go, and therefore I don't want to provide you with the information. I am prepared to provide you with the information via a different source.'

2065 But then there might be other types of representations that might be perfectly disclosable in this House. I just don't understand why. Can he elaborate on that?

2070 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to listen to what I have said. I have said that it is neither possible nor appropriate. You see, Mr Speaker, this is a very fluid process. Although the hon. Gentleman has said certain things about the way we conduct international diplomacy, the fact is that there is very fluid communication between governments where it is not at a press-release level. Of course, there is. There was, of course, before 9th December as well. It is good that there should be after 9th December as well and it should endure, and there was before 1st May 1996 and there was before whatever happy date it was in March or May 1988 that we first took office.

2075 Mr Speaker, that is the case. It is constant, it is daily, Mr Speaker, and a list is not kept of every communication, because phone calls come in and you are told *x* wants you to know *a*, *b*, *c*. You may wish to know *w*, *x*, *y*. That is what it is like, Mr Speaker. A list is not kept; therefore a list cannot be given, Mr Speaker. If it could be given, Mr Speaker, I do not think it would be appropriate to give it across the floor of this House.

2080 I would be perfectly happy, Mr Speaker, were it possible to keep a list, which it is not, to say, 'Look, let's establish a convention: whoever is the incumbent will share with the Leader of the Opposition that impossible-to-create list of communications with the Kingdom of Spain and such of the other kingdoms as there may be.' I believe there should be a status like the status of privy councillors where, despite the political divide, people at the top of Opposition and Government are briefed on everything in case a disaster happens tomorrow and our roles are reversed – and I mean a natural disaster, which causes there to be a need for people who are not in government to take over. It could happen, Mr Speaker. Every nation prepares for it, but it is just not possible, Mr Speaker, because it would mean that one would have to have a notebook and a pencil, not just at the level of Chief Minister but at many other levels, to give an answer which is correct, and it is not possible to give that information, Mr Speaker.

2090 **Hon. D A Feetham:** Could he at least answer this: have there been any representations, either directly or indirectly, on behalf of the Kingdom of Spain in relation to, for example, the trilateral process or the Cordoba Agreement?

Hon. Chief Minister: What did you say?

2095 **Hon. D A Feetham:** The Cordoba Agreement.

Hon. Chief Minister: Mr Speaker, not that I know of, not in respect of those two issues in particular. There have been no communications that have been brought to my attention. Those communications we have had to read in the pages of *ABC*.

2100 **Hon. D A Feetham:** And has he, through the medium of Her Majesty's Government, attempted to open a line of communication in relation to those particular two issues that I have outlined, or is he quite content with just simply the position the Spanish Government has taken, that is announced publicly, and does not intend to pursue anything further in relation to those two areas that I have mentioned?

2105 **Hon. Chief Minister:** Mr Speaker, I think it is a matter of public record, and he should know that this issue has been raised with His Honour His Excellency the Minister for Foreign Affairs of the Kingdom of Spain by the Foreign Secretary in correspondence in consultation with the Government of Gibraltar. That much is also known.

2110

Defence Lands Adviser post Successful applicant

2115

Clerk: Question 588, the Hon. D A Feetham.

2120 **Hon. D A Feetham:** Has the post of Defence Lands Adviser been filled, and who is the successful applicant?

Clerk: Answer, the Hon. the Chief Minister.

2125 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, the post of Defence Lands Adviser has been filled by Mr Michael Crome.

Hon. D A Feetham: Yes, Mr Michael Crome is the individual that he knew about, who had been associated with this particular post in the rumours that we spoke about a month ago, that he confirmed that he

knew about.

2130 **Hon. Chief Minister:** Well, it appears that he was, Mr Speaker, but he is also the person whom the board unanimously agreed was highly suitable for appointment to the post and who outshone by far the other candidates.

2135 That board, Mr Speaker, was made up by the Financial Secretary, the Human Resources Head of Department, a Senior Executive Officer of the Human Resources Department, who were, I think, a very strong board to determine those issues in respect of the seven applications that were received, one of them having been withdrawn before interviews were held.

2140 **Hon. D A Feetham:** He does not think there is any coincidence at all, or that... Effectively, there is a rumour around town that Mr Crome has been promised the job by the Hon. the Chief Minister – that is doing the rounds – that in fact there is a rumour that the gentleman is saying, ‘The job is mine’ and, lo and behold, he, in fact, is the successful applicant? He does not think there is anything...

2145 **Hon. Chief Minister:** Mr Speaker, if I went on rumours like that, I would have been doing a different sort of Opposition from the time I was elected in 2003 to the time we became the Government in 2011.

Mr Speaker, what the hon. Gentleman is doing in his question is calling into question the integrity of the Financial Secretary, the Head of the Human Resources Department and a senior executive officer of the Human Resources Department. This is a very strong board, Mr Speaker, to consider and make recommendations on all of the applicants.

2150 I do not know what people may have said in the street, Mr Speaker. I know what is reported to the Government and I do not act on rumours, Mr Speaker – I act on facts.

2155 **Gibraltar Health Authority management
‘Unfit for purpose’ comment**

Clerk: Question 590, the Hon. D A Feetham.

2160 **Hon. D A Feetham:** Will the Chief Minister advise the House as to what action the Government has taken, or plans to take, against those parts of the GHA management which, in the run up to the General Election, he described as – and I quote – ‘unfit for purpose’?

Clerk: Answer, the Hon. the Chief Minister.

2165 **Hon. Chief Minister:** Mr Speaker, I will answer with Question 512.

2170 **Gibraltar Health Authority appointments
Breach of established procedures**

Clerk: Question 512, the Hon. Mrs I M Ellul-Hammond.

2175 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Minister for Health concur with the article by his party chairman in the *New People* newspaper on the week of 17th May 2012, stating that the GHA Chief Executive Officer – and I quote – ‘has been appointing and promoting people within the Health Service without adhering to the established procedures and in breach of the requirements to have these appointments and promotions approved by the Governor’; and, if so, can the Minister give us examples of such alleged behaviour by the GHA’s Chief Executive Officer?

2180 **Clerk:** Answer, the Hon. –

Hon. Dr. J E Cortes: Mr Speaker, can I ask that a similar Question to the previous one, number 514, be taken at the same time?

2185

**Gibraltar Health Authority
Management structure**

Clerk: Question 514, the Hon. Mrs I M Ellul-Hammond.

2190

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health tell us how the GHA's management structure will be changed during this term of office and when the top management posts will be filled by locals, as per the GSLP's manifesto commitment?

2195

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer Question 590 and then my hon. Friend will answer the other two, but Mr Speaker, I just wanted to reflect that so much for not asking questions based on what might appear in a newspaper, eh?

2200

Mr Speaker, I am entirely confident – (*Interjection*) Congratulations, well done! Mr Speaker, I am entirely confident that all matters relating to the GHA are being actioned entirely appropriately by the Hon. Minister for Health, including any issues relating to the fitness for purpose of any part of the structure of the GHA that we inherited when we were elected on that happy day on 9th December 2011.

2205

Mr Speaker: The Hon. Minister to answer the two questions. We will take the supplementaries together.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, I will first answer Question 512.

2210

Mr Speaker, for the record, the article in question is not attributed to any author, and therefore it cannot be assumed to have been written by anyone in particular.

There are, allegedly, issues which were identified in 2010 concerning the way in which certain appointments which occurred during the time of the previous administration were processed. There are also concerns regarding a number of direct appointments that were made without any selection procedures, allegedly on the instructions of the then Chief Minister, with the agreement of the then Minister for Health. These and other procedures are being looked into.

2215

In respect of Question 514, the review of the management structure is ongoing and, once complete, an implementation plan will be developed.

2220

Hon. D A Feetham: Mr Speaker, I happened to look, before I asked this particular question, to the dictionary definition of 'unfit for purpose', and the definition is 'unqualified, incompetent or incapable of doing the job.'

If what he was saying before the General Election was that the GHA management was unfit for purpose, unqualified, incompetent or incapable of doing the job, does he not agree with me that it is incumbent on the Government to, as quickly as possible, root out that cancer within the GHA management because it is unqualified, incompetent and incapable; and what drastic actions is he taking in order to effectively deal with this?

2225

Hon. Chief Minister: Mr Speaker, the hon. Gentleman will know that the Home Office in the United Kingdom some years ago was described as being unfit for purpose, (*Interjection by Hon. D A Feetham*) and there I do not know whether anybody set out the dictionary definition as the hon. Gentleman has, but so be it.

2230

The fact is, Mr Speaker, that based on what has been published in the newspapers, a question has been asked, and based on what was said during the Election campaign a question has been asked.

First of all, Mr Speaker, as the hon. Gentleman knows, we are not answerable in this House for the things that we said during the course of the General Election campaign. We are answerable in this House for the things we have done since 9th December. But, Mr Speaker, I want to commend the Hon. the Minister for Health for not acting on rumours and saying in his answer that all of these things are *alleged* and that they are being investigated.

2235

What I did, Mr Speaker, was, I think, absolutely appropriate. You see, it *did* require drastic action. The

2240 people accepted the proposition. They took the drastic action of changing the Government and they put in place a Chief Minister who appointed, as Minister for Health, somebody eminently qualified, competent and capable to deal with all the issues that arise.

A Member: Hear, hear.

2245 **Hon. D A Feetham:** I have to say that that answer takes the biscuit in the entire proceedings of this afternoon. Absolutely right? He is thanking the Minister for Health for not paying attention to a rumour that his own Chief Minister started, because the comment about being 'unfit for purpose' was a comment made by the Chief Minister himself, not by anybody else.

2250 **Hon. Chief Minister:** On a point of order, Mr Speaker, the rumour is that which the hon. Gentleman, the Minister with responsibility for Health, has referred to in the article. That is the rumour. Of course, Mr Speaker, I accept that I said what I said during the Election debate, although I am not answerable for it in this House, but I have answered the question, Mr Speaker. The rumour that I was referring to is the one that the hon. Lady refers to in the article which the hon. Gentleman has referred to as allegations.

2255 **Hon. D A Feetham:** Now that he is Chief Minister of Gibraltar, does he think that the GHA management is unqualified, incompetent and incapable of doing the job, which is the definition of unfit for purpose; and can he perhaps provide to this House an outline why he regards the GHA management as being unqualified, incompetent and incapable of doing the job?

2260 **Hon. Chief Minister:** Mr Speaker, he does hold brief for the strangest people.

Mr Speaker, perhaps he does not recognise it, because he was never in a collegiate Cabinet Government, but I am not the Minister for Health. I defer on all such matters to a man who is qualified, competent and capable to assess what – on the... I think it was the Monday – he inherited as his ministry and to determine what should be done in respect of management, nursing and every other aspect of that ministry.

2265 Mr Speaker, frankly, in a situation like this, it needs a different mindset to be able to understand how things are done. We said many things about the way that the Hon. the Leader of the Opposition ran government when he was Chief Minister. None of them have been said behind his back; we have said them all. There was an instance, Mr Speaker, when a previous Minister for the Environment referred to a decision taken as not having been taken by him, but having been taken by central Government, meaning the Chief Minister. Mr Speaker, there is here no central Government. This is a Cabinet, Mr Speaker, of colleagues working together and respecting that each of them have a different expertise and have different responsibilities and I can think of nobody better to have appointed from these 10 men and women here than John Cortes to be the Minister for Health and to make those determinations and fix all of those problems which we identified before 8th December and after 8th December – you know, all those things that were quietly hidden under the carpet so that nobody might see.

2275 **Hon. D A Feetham:** Is the Hon. the Chief Minister now resiling from his opinion that the GHA management, on 9th December, was unfit for purpose?

2280 **Hon. Chief Minister:** Mr Speaker, I know that one is entitled to indulgence, but the hon. Member has had his question answered. The Hon. the Chief Minister said what he said before 8th December and he is saying what he is saying today about how he dealt with it as soon as he became Chief Minister – namely, I had a set of concerns, as Leader of the Opposition and as a citizen, and I dealt with them, Mr Speaker, by appointing the man who I know is best able to deal with those issues as Minister for Health.

2285 If he, Mr Speaker, allows the biscuit to move slightly to my right, he might get some answers of substance on the issues which relate to management, but if all he wants to do, Mr Speaker, is get up here and throw out mantras that he associates with politics, like 'U-turn', 'non-democratic', 'unfit for purpose', then he can carry on because there is no chance of getting to the beach this afternoon, so we may as well call it a day and carry on listening to the same question over and over again.

2290 **Hon. Dr. J E Cortes:** Mr Speaker, if I may just add –

Hon. D A Feetham: Well, no. He has answered the question. Now let me – (*Interjection*)

2295 Look, there is huge distinction between ‘having concerns’ – and let’s face it, no system works perfectly and there are always likely to be concerns about the way that systems actually work. There are concerns at the justice system, there may be concerns with the GHA, and it is right that there should be vocalisation of concerns because it is a very important organization for the people of Gibraltar and for this community. But there is a huge distinction between having concerns and coming to office and appointing the Hon. Mr Cortes – for whom I have a lot of respect – as the Minister for Health and saying, ‘Look, could you please deal with these problems?’ and quite another to describe the GHA management as ‘unfit for purpose’, the definition of which is ‘unqualified, incompetent, incapable of doing the job.’

2300 Does he not agree with me that the reality of this situation is that when he made those comments, the hon. Gentleman was just simply pandering to a certain sector of the GHA that was not content with the GHA management and that he overplayed his hand by describing the GHA management as ‘unfit for purpose’?

2305 **Hon. Chief Minister:** He has overplayed his hand now, Mr Speaker, because now he has specifically asked me what I was thinking when I uttered those words *before* 9th December – something for which I am certainly not answerable in this House. But look, given that there is no chance of getting to the beach, it is six o’clock in the evening, let’s just make the rules a little bit elastic. I do not resile from anything I said before the General Election because I was not pandering to anyone. That is not the way I do politics, although it may be the way that others do.

2310 So, Mr Speaker, I do not agree with the premise of his question, but I gave him a hint, which he did not want to pick up. Okay, I will be more explicit. (*Interjection by Hon. D A Feetham*) Yes, indeed, that and everything else.

2315 When the Home Office in the United Kingdom was described as not fit for purpose, on the appointment of a Minister – not on the occurrence of a General Election, on the appointment of a Minister – from the same government that had a previous Minister, that new Minister did not sack everyone in the Home Office. He did not close it down because it was unfit for purpose. He started the process of making the changes necessary to *make it* fit for purpose. That, Mr Speaker, is what I am delighted to say is the process that began on 9th December when I became Chief Minister and the following Monday, when I advised His Excellency the Governor that Her Majesty’s Government of Gibraltar, in respect of health matters, would be advised by Mr John Cortes as Minister. That is the process that began fixing the broke GHA that we inherited from the hon. Gentleman – not the lady, another gentleman, because they were not all here, but from the hon. Member’s party when they were in government. That is what you do when things are unfit for purpose: you fix them, you make them fit for purpose.

2320 Thank you, Mr Speaker, to the hon. Gentleman. At least there is one issue on which we agree: he accepts that he has the utmost respect for the person I have appointed to start dealing with that matter and fix it. If we could get on to the supplementaries of Questions 512 and 514, then perhaps he might get a *flavour* of what those changes may be.

2330 **Hon. D A Feetham:** If he wants to change places with the Speaker of the House, he is perfectly welcome to.

2335 **Hon. Chief Minister:** Mr Speaker, I do not know whether that is a question, an invitation, or what it is. I do not know why it is he makes that remark. I think it is totally unnecessary. I think I have answered the question that he put, and it was in the negative and I therefore suggested that we should be moving on in order to advance the substance of the debate.

2340 **Mr Speaker:** I think the Hon. Isobel Ellul-Hammond has a supplementary, at least one.

Hon. Mrs I M Ellul-Hammond: Thank you, Mr Speaker.

2345 Mr Speaker, the Minister for Health has had five months since I last asked him about the GHA management restructure in which to look at the whole organisation and consult with UK experts and locals to decide on its restructure as per his answer to Question 74 in January’s meeting. Is the Minister in a position now to state how you will make the GHA management more functional and effective?

Hon. Dr. J E Cortes: Mr Speaker, first of all I have to thank both the Leader of the Opposition and the

Hon. the Chief Minister for their words of admiration and support, particularly –

2350 **Hon. D A Feetham:** I am not the Leader of the Opposition!

Hon. Dr. J E Cortes: Well, I think the Leader of the Opposition... Sorry, *Acting* maybe. (**Hon. D A Feetham:** Acting, yes.) The person who, in the Opposition... the Hon. Mr Feetham, who says he has great respect for me, thank you very much, and I would like to thank the Chief Minister for saying such kind words about me. I think he is a great Chief Minister, too! (*Laughter and applause*)

2355 It started this morning with the Hon. Mr Feetham thanking Mr Bossano. I have got to do this now at the end of the day. We all love each other so much!

2360 The past five months, six months, have revealed to me the web of complexity that the Gibraltar Health Authority is and the web of complexity that managing an organisation that I have inherited involves. I will have, I suspect, rather a lot to say about a lot of that during my Budget speech, so I can keep you in suspense, Mr Speaker and colleagues, until then.

2365 I have, indeed, given a lot of thought to the management structure and the process is not yet complete. There are other things that are going to be happening to allow me to have a fuller picture of the way I want to proceed and, as I said in answer to my question, the review of the management structure is ongoing. Once complete, which I suspect will probably be some time towards the end of August, beginning of September, an implementation plan will be developed and announced, but I do not want to go into any details at this point because, again, I am still developing the plans.

2370 **Hon. D A Feetham:** Does he agree with the Chief Minister that, from what he has found out since he has actually been in office, the GHA management that he inherited was unqualified, incompetent or incapable of doing its job?

2375 **Hon. Chief Minister:** Mr Speaker, come on. The hon. Gentleman should know better than to do that. I did not say any of those things. I said 'unfit for purpose'. He has gone to the dictionary, he has found that definition, and if he wants to say that that is what it means, it is a matter for him. I have not seen the dictionary, but I will take him at least on his word for that, but not for much more. (*Interjection by Hon. D A Feetham*)

What he can put to the hon. Gentleman –

2380 **Hon. D A Feetham:** I will rephrase my question.

Hon. Chief Minister: – is that I said it was 'unfit for purpose', then the hon. Gentleman can take it from him that that is what unfit for purpose means.

2385 **Hon. D A Feetham:** He is the Chief Minister of Gibraltar, not the Speaker of the House, but I will happily rephrase the question: does he agree with the comments made by the Chief Minister since he has been in office, or what he has found, that the GHA management is unfit for purpose?

2390 **Hon. Dr. J E Cortes:** Mr Speaker, the hon. Member should perhaps check my Facebook page tonight.

Hon. D A Feetham: I am not on Facebook, I'm afraid.

2395 **Hon. Dr. J E Cortes:** Mr Speaker, any review of management will involve a consideration of the fitness for purpose of the management and it is not until that responsible review is completed that I will be able to reach any conclusions about that and many other facts and take an informed opinion on the way forward.

Hon. D A Feetham: If I may say so, that is a perfectly reasonable answer. (*Interjections*)

2400 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.
Do not allow the Chief Minister and the Acting Leader to interrupt...

Hon. Mrs I M Ellul-Hammond: Yes, they are having a good private conversation

2405 **Hon. Chief Minister:** *[Inaudible]* over a beer... *[Inaudible]* *(Laughter and interjections)*
Hon. Mrs I M Ellul-Hammond: Mr Speaker –

Hon. Chief Minister: If it's only one beer, fine –

2410 **Hon. Mrs I M Ellul-Hammond:** No, it's a bottle of wine for my hon. Friend!

A Member: A bottle of wine?

Hon. Mrs I M Ellul-Hammond: Well, a glass of wine.

2415 **Hon. D A Feetham:** A glass of wine.

Hon. Mrs I M Ellul-Hammond: Mr Speaker –

2420 **A Member:** I'll have a *[Inaudible]* of whisky!

Hon. Mrs I M Ellul-Hammond: – as a supplementary question to Question 512, I am aware that Dr. McCutcheon did receive an apology for the said article in the *New People*. Is the Minister concurring, then, with the article in question, or is he distancing himself from such allegations?

2425 **Hon. Dr. J E Cortes:** Mr Speaker, I am not aware of any apology that anybody may have received – I would just like to say that from the start. I am doing neither. I have said that there have been allegations which are being investigated.

2430 **Hon. Mrs I M Ellul-Hammond:** So the Minister, Mr Speaker, is at present concurring with the article until further –

Hon. Dr. J E Cortes: No, I –

2435 **A Member:** It is being investigated.

Hon. Dr. J E Cortes: There have been allegations, which were identified in 2010, concerning the way in which certain appointments occurred and so on, as I said earlier. There have been other allegations regarding selection procedures which have allegedly nothing to do with the Chief Executive but with the then Chief Minister, and these and other procedures are being looked into.

2440 That is what I said in the answer and that is what my answer remains.

2445 **Procedural**
Adjournment motion passed

Hon. Chief Minister (F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 22nd June at 3.00 p.m.

2450 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 22nd June 2012 at 3.00 p.m.

I now put the question, which is that this House do now adjourn to Friday, 22nd June 2012 at 3.00 p.m.

Those in favour. (**Members:** Aye) those against. Passed.

2455 **Hon. D A Feetham:** Mr Speaker, this is a vote on the adjournment, but is there any reason why... and I notice that it has happened now twice – last time round and this time... Is there any reason why we are adjourning until 3 o'clock tomorrow and we cannot adjourn until half past nine tomorrow to continue with the

questions?

2460 **Hon. Chief Minister:** Mr Speaker, I understand it was on the timetable. The hon. Gentleman will know that the Civil Service finishes work at 2.30 pm, so in the interest of the Government doing as much work as possible from eight to two-thirty and then having a short lunch break before coming here to continue with the Question Time, I think it makes perfect sense, Mr Speaker.

2465 I may add, without revealing any confidence, that the hon. Gentleman met with me and the Deputy Speaker in my office some time ago. We discussed issues relating to timetabling. The hon. Gentleman and the Leader of the Opposition were going to, I believe, write to me and to the Deputy Chief Minister, and we have not received any document in respect of such timetabling, so we are proceeding on this basis, which I think is the best, which is what we discussed with him and the Leader of the Opposition at the time, Mr Speaker.

2470 **Hon. D A Feetham:** Well, no, I do not recall that those were the discussions. I do not want this to be... What we discussed was, and we agreed, that we would deal with parliamentary sessions within the two days – it would start on the Thursday and would end on the Friday – and that Thursday afternoon would be the Chief Minister's Question Time.

2475 The problem that we have with Parliament being adjourned to the Friday at 3.00 p.m. is that invariably what happens is that we then have adjournments to the week after and, in fact, on the last occasion we had the Wednesday, the Thursday afternoon, the Tuesday of the week afterwards and also onto the Friday, and we take the position that it is certainly in the best interests of how we conduct proceedings in this House to attempt to deal with parliamentary questions and answers over two days.

2480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will know that when we were sitting on that side of the House we did not have any say on when things would happen; nor would we have been told until the end, perhaps, of this Question Time when the Budget might have been, let alone be given notice of the fact that Parliament is going to meet on the third Thursday of every month, that it is not going to meet at nine, it is going to meet at 9.15am when we open, and had known, as from yesterday at least, if not this morning, that it was going to come back on Friday at three.

2485 So, Mr Speaker, I think we are doing much more than we need to do to accommodate the hon. Members, but if what the hon. Gentleman is saying to me is that he wants to come to Parliament *less*, he needs to understand that he is paid by the people of Gibraltar to come to Parliament to ask questions, and if we wanted to open ourselves up to scrutiny for an hour a day he might want to come on the 20 working days a month, and that is his obligation. It is a matter for him what he does.

2490 The position is, Mr Speaker, that we are adjourning to three o'clock tomorrow – we have got very few questions left – in order to try and deal with Question Time and wrap it up tomorrow.

2495 Last time, Mr Speaker, he will know that when we came back the following week we came back because Ministers were travelling, not because Question Time was getting too long. It was as a result of a travel schedule.

But I take on board the fact that he wants to come to Parliament *less*, he wants to appear here in exercise of his function – which he has been elected to discharge by the people of Gibraltar – *less*, for whatever reason it may be.

2500 **Hon. D A Feetham:** I think that the hon. Gentleman is being very ungenerous, but then again I would not expect any kind of generosity emanating from the hon. Gentleman.

2505 It is not that I want to come back to this House *less* – it is not about that; it is about a more efficient way of dealing with questions and answers. I thought that, given this new policy that the Government has introduced, they would listen to the Opposition's views in that regard, and I believe that it is actually more efficient to deal with questions and answers over two days, rather than doing it over three or four days. But, look, if these changes are artificial and the hon. Gentleman is not going to be taking into account our views and he is going to be characterising our genuinely expressed views as a desire on our part not to come to this Parliament as many times, that is up to him.

2510 **Mr Speaker:** But is it –

Hon. Chief Minister: Mr Speaker, what is artificial about the fact that Parliament is meeting every

2515 month? What is artificial about the fact that when we met, Mr Speaker, he and the Leader of the Opposition were going to write to us with what they thought was the best way to deal with it (*Interjection by Hon. D A Feetham*) and he has not, and they have not written to us, Mr Speaker.

2520 Therefore, if it is working well, we are going to continue working as it was working, (*Interjection by Hon. D A Feetham*) which is Thursday and Friday – and last time, Mr Speaker, when it spilt over, it spilt over because Ministers were travelling. So, Mr Speaker, either he does not like to work on Friday afternoons (**Two Members:** Yes!) or what is it that he is talking about? (*Interjections*)
Mr Speaker, I have moved the adjournment.

Mr Speaker: Order!
Yes, exactly, and I –

2525 **Hon. Chief Minister:** I have moved the adjournment.

Mr Speaker: Order!

2530 **Hon. Chief Minister:** What is the position?

Mr Speaker: It is not at all usual to have a debate on a motion for an adjournment. In fact, it is the first time, almost eight years down the road and (**A Member:** Eleven!) the third-from-the-last sitting... It is the first time it has had a debate. It is not usual to have a debate.

2535 The Hon. Daniel Feetham asked why three o'clock and the Hon. the Chief Minister has given his explanation for three o'clock. I hear what was said, but these are matters best dealt with behind the Speaker's Chair, not on the floor of the House.

I have put the question, I have heard the voices, and I declare the motion as passed.

This House will now adjourn to Friday, 22nd June 2012 at 3.00 p.m. I look forward to seeing all of you then.

The House adjourned at 6.18 p.m.