



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**MORNING SESSION: 9.15 a.m. – 11.27 a.m.**

**Gibraltar, Tuesday, 22nd May 2012**

## The Gibraltar Parliament

*The Parliament met at 9.15 a.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

### HOUSING AND THE ELDERLY

#### **Questions 411, 414 and 430 Supplementary information**

**Clerk:** Sitting of Parliament, Tuesday, 22nd May. Answers to Questions continue.  
The Hon. Edwin Reyes.

**Hon. E J Reyes:** Good morning, Mr Speaker, sir.

With your leave, I would like to record in the House that, further to the question-and-answer session of

last Friday, the Hon. the Minister for Housing has already furnished me with some information that I had requested and we had mutually agreed to make it available. These refer, sir, to Questions 411, 414 and 430, and with your approval, I will let the Clerk have a copy of the information provided to me by the Hon. the Minister for Housing, so that they may, as well, be included in the *Hansard* record.

**Mr Speaker:** Thank you.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am grateful to the hon. Gentleman for having clarified that the information has been provided.

Just a procedural point: I do not know that it is possible for us to record in *Hansard* something that has been given outside the House, other than by tabling it here, not simply by saying that it has been passed to the Clerk.

In future, perhaps the way to do it may be if the hon. Gentleman has the information... Does he have it with him now? I propose that he table that information now, rather than simply just provide it to the Clerk afterwards and that, as a result of this exchange and the tabling of it, it is therefore necessarily included in the *Hansard* as the document to which we are referring in this exchange.

**Mr Speaker:** Yes, I think that might be a preferable method, a more formal method. Perhaps the hon. Member would formally table.

**Hon. E J Reyes:** I agree, Mr Speaker.

To be further clear on this record, the Principal Housing Officer did call me up yesterday and said they had information available – ‘Do you wish to collect it from the office?’ – and I recommended that the Hon. the Minister for Housing actually handed it himself into the House. When I came in this morning, the Clerk very kindly said, ‘The Hon. Charles Bruzon has left an envelope with your name on it’, and I have opened it, which is why the Clerk was unable himself; but I tend to agree that that, in fact, was my initial reaction.

As for the record, what should have happened, we both understand the same thing. It is really the Hon. Minister handing me the questions via the Speaker’s Chair and that is the correct way for recording it, so I agree and thank the Hon. the Chief Minister for that clarification.

What we all want is, since the information has been provided, it is only fair that it be recorded that the Minister for Housing has kept to his word and has been rather efficient for handing it in by first thing on Tuesday morning.

So thank you.

**Mr Speaker:** Obligated. Formally tabled, then.

**ANSWER TO QUESTION 411/2012**

A total of 99 of the 962 applicants on the Government’s Housing Waiting Lists as at 9<sup>th</sup> December 2011, have been allocated a flat, as follows:

	Post-War	Pre-war
1RKB	2	-
2RKB	13	2
3RKB	43	4
4RKB	29	2
5RKB	3	-
6RKB	-	1
<b>TOTAL</b>	<b>90</b>	<b>9</b>

Of the 99 flats allocated, the following were on the Government's Waiting List and other lists:

	1RKB	2RKB	3RKB	4RKB	5RKB
Medical A+	-	1	2	1	-
Medical A	-	2	1	-	1
Medical B	-	1	-	-	-
Medical C	-	-	1	-	-
Social A	-	4	9	4	-
Social B	-	-	-	-	-
Social C	-	1	-	-	-
Decanting	1	-	1	2	-
Approved Exchange	-	-	2	1	-
Pensioner Exchange	-	-	1	-	-

**ANSWER TO QUESTION 414/2012**

There are currently 1662 applicants on the Government's Housing Waiting Lists as of today's date (21.5.12). The breakdown is as follows:-

	Waiting List	Pre-List
1RKB	794	435
2RKB	54	40
3RKB	116	69
4RKB	84	46
5RKB	11	9
6RKB	2	2
<b>TOTAL</b>	<b>1061</b>	<b>601</b>

There are 1061 applicants on the waiting list who are also applicants on other lists, as follows:

	1RKB	2RKB	3RKB	4RKB	5RKB	6RKB
Medical A+	1	-	-	3	1	-
Medical A	5	2	-	1	-	-
Medical B	3	2	-	1	-	-
Medical C	4	3	-	1	-	-
Social A	29	1	2	4	1	-
Social B	3	-	-	-	-	-
Social C	1	-	-	-	-	-
Decanting	1	-	-	1	-	-
Approved Exchange	2	-	1	2	-	-
Pensioner Exchange	3	1	-	-	-	-

There are 601 applicants on the pre-list who are also applicants on other lists, as follows:

	1RKB	2RKB	3RKB	4RKB	5RKB	6RKB
Medical A+	1	-	-	-	-	-
Medical A	2	-	2	-	-	-
Medical B	1	1	2	-	-	-
Medical C	5	-	-	-	-	-
Social A	3	-	1	2	-	-
Social B	-	-	-	-	-	-
Social C	-	-	-	-	-	-
Decanting	-	-	-	-	-	-
Approved Exchange	1	-	-	1	-	-
Pensioner Exchange	4	-	-	-	-	-

**ANSWER TO QUESTION 430/2012**

Since the 9<sup>th</sup> December 2011, a total of 9 employees have been retired/transferred as follows:-

No. of Employees Transferred	No. of Employees Retired	Date Retired/Transferred
-	2	31 December 2011
1	-	6 February 2012
-	1	13 March 2012
2	-	14 March 2012
2	-	19 March 2012
-	1	6 April 2012
5	4	

As to new employees, none have been engaged since 9<sup>th</sup> December 2011.

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

**Gibraltar Car Parks Ltd**

**Number of applications for parking spaces pending**

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**Clerk:** Question 432/2012, the Hon. D J Bossino.

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**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services state how many applications are pending the provision of parking spaces by Gibraltar Car Parks Ltd?

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

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

*[see Table overleaf]*

**Answer to Question 432 of 2012**

Current waiting lists are as follows:

Devils' Tower Road	6 (non residents)
New Harbours	39
Ragged Staff	27
Sandpits	33
Willis's	47
Eurol plaza	63
Total	215

In total there are 215 people on waiting lists for the different car parks operated by Gibraltar Car Parks Limited.

60 **Hon. D J Bossino:** Can the Minister clarify? There is an entry here which refers, at the very top, to Devil's Tower Road and it has six applicants on the waiting list. Can the Minister clarify what is meant by the words '(non-residents)'?

65 **Hon. P J Balban:** In the particular case of Devil's Tower Road, because the take-up for parking spaces was so few, in that not many people actually wanted a parking space there, the offer was actually extended to people who were not resident in that particular area, which means to say that people from the south or people from other districts in Gibraltar could apply to take up one of those parking spaces. That is what is meant by 'non-residents'. It means non-residents of the particular area of the North District.

70 **Hon. D J Bossino:** By the North District, does the Minister mean the North District Scheme, under the Parking Scheme? Is that what the area around the Devil's Tower Road encapsulates?

**Hon. P J Balban:** Yes, that is right.

75 That was what was inherited. That was the area which was the area for the car park, so when we say 'non-residents', it means non-residents of that particular area who were assigned the possibility of using that car park for monthly rentals.

**Hon. D J Bossino:** The Minister says that it was then opened up to applicants in other areas. When did that change of regime occur? Does he know?

80 **Hon. P J Balban:** I believe that was already happening prior to 9th December. There were already persons in that car park who were not part of that area. With the car park being so large, and because the take-up was so poor, other people applied and they were granted places in that said car park.

85 **Hon. D J Bossino:** Is the Minister able to indicate to the House now whether there has been an upward or downward trend in the numbers of people waiting for parking spaces?

**Hon. P J Balban:** Are you referring specifically to that car park?

90 **Hon. D J Bossino:** By way of clarification, I am not: generally.

**Hon. P J Balban:** Waiting lists for that car park... Devil's Tower Road car park has always been a problem to try to use to maximum capacity. As I said, not many people want to use it. In fact, every single resident who wants a space there has been granted one.

95 In other car parks, turnover has been generally slow because, obviously, the car parks have been smaller and residents in the surrounding area have taken up those car parks, so really the trend has remained the same. In some areas, the waiting lists can be as great as two years, to get a parking space in a particular car park.

**Hon. D J Bossino:** It may be the subject of questions in relation to another question which is on the Order Paper, but is it right for me to assume and to anticipate that the six non-residents who are waiting for parking

100 spaces in the Devil's Tower Road are likely to receive a positive result of their application?

**Hon. P J Balban:** What has happened there, because obviously... because there are people that move households, it would be unfair for us not to allow a certain... We have actually allocated a few parking spaces which are vacant, in case people decide that they want to have a... This is why there are six on the waiting list at the moment, because there are a few parking spaces which have been left there, just in case.

**Hon. S M Figueras:** Mr Speaker, perhaps the Hon. Minister can provide a little bit more clarification in respect of the mechanics of the waiting lists themselves.

110 He has, in fact, referred to the fact that there are people on waiting lists for different car parks, as they have expressed an interest in being there. Are all those individuals on these waiting lists? Or rather, have all the individuals on these waiting lists expressed an interest exclusively for the specific car park under which they are listed, or is the Minister aware of any proportion of the individuals that would be happy to obtain a car park elsewhere, or anywhere for that matter, from this particular list?

115 **Hon. P J Balban:** I am not entirely aware of that part of things. I am aware that, obviously, there are some, for example, in the park-and-ride down Devil's Tower Road. People from other areas have applied for that if they have failed in another area.

120 In the south, I believe residents have a choice because the car park down in New Harbours and the one at Sandpits are really in the vicinity. They have a choice of two parking spaces there. That is as far as I am aware.

**Hon. S M Figueras:** Sorry, just for clarification... So, then, depending on the area in which you live, you are given a choice of parking as to the waiting list on which you can go. Do I understand correctly?

125 **Hon. P J Balban:** There has been no change of policy. What we inherited is what we do at the moment, which means that when we came into Government I checked the lists and there were areas – there were parking garages, car parks – where not everyone there was a resident. They came from other areas.

130 For example, I believe in Willis's Road there were a few areas in which there were persons there renting who lived further out. So there has been no change in that respect.

#### **Pelican crossing, Europa Road Government plans**

135 **Clerk:** Question 433, the Hon. D J Bossino.

140 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether the Government has any intention of installing a pelican crossing at Europa Road in the area of Brympton/Mount Road?

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

145 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government will be placing a new pelican crossing at Europa Road in the area of Brympton/Mount Road. This will be undertaken as soon as the equipment arrives.

**Hon. D J Bossino:** I am grateful to the Minister for that.

150 The reason why I asked this question was because I received representations from residents in particular of the Brympton area. I am aware that there are elderly people who actually take the bus going in a southerly direction, to eventually go into the centre of town, in order not to cross the road because it is simply so dangerous for them, so I am grateful for the confirmation that I received this morning from the Minister in the House.

The obvious supplementary to the answer he has just given is can he give an indication to this House as to

155 when he expects that the equipment will be readily available?

**Hon. P J Balban:** The equipment has actually been ordered by the GEA and that equipment obviously comes from the UK, so it generally takes around four months for this system to arrive. So, obviously, we do not have a definite date for that as yet. Okay?

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**Hon. D J Bossino:** He has given an indication to the House as to how long it normally takes and he says four months.

Do you know when the equipment was ordered? Does the Minister know when the equipment was ordered?

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**Hon. P J Balban:** I am not entirely sure of the exact date, but I would assume it was within the last month.

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**Pelican/zebra crossing, access road to Coaling Island  
Government plans**

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**Clerk:** Question 434, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services advise the House whether the Government has plans to set up a pelican or zebra crossing by the access road to Coaling Island?

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Government does not have plans to place a pelican or zebra crossing by the access road to Coaling Island.

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**Hon. D J Bossino:** Yes, interesting response – I expected that the answer was going to be completely different, only because, Mr Speaker, the infrastructure seems to be in place already, where there are... maybe this is not the correct jargon but, basically, the pavements on either side are dented.

I think... I am not sure whether the Minister is aware of the exact location I am thinking of and it is certainly not set out in the question, but I think it would be a very useful place to have a zebra/pelican crossing. Would the Government reconsider its current position?

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**Hon. P J Balban:** Can the hon. Member actually specify where exactly – I am assuming that this is between King's Wharf and the new Mid Harbour Estate?

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**Hon. D J Bossino:** Yes, I am sure that is correct.

Mr Figueras has assisted me and, as he quite rightly says, the location is just off the roundabout.

**Hon. S M Figueras:** And if it might be of further use to the Minister, the infrastructure my hon. Colleague has referred to is the indentation in the road to give access to wheelchair users to the road – hence the question, I suspect.

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**Hon. P J Balban:** Normally what happens in these cases is a member of the public, or somebody actually writes a letter into the Department. It is tabled at the Traffic Commission and the Traffic Commission, the highways inspectors and technical staff go on site to assess whether there is a need for some sort of crossing in the area or not.

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What happens is that they take statistical data by way of traffic counters and then if there is a sufficient amount of pedestrians crossing, then the view is taken as to what sort of crossing system is required, be it a zebra crossing, a pelican crossing, or what have you. So that is how the ball starts rolling.

**Hon. D J Bossino:** So just to interpret the initial response from the Minister: the position is not that the

210 Government has no plans because it has taken a firm decision that a zebra crossing was not to be placed there; it is simply that it has not considered it.

**Hon. P J Balban:** It is simply the case that the issue has not been highlighted: there has been no request for it and as such, there is nothing...

215 My particular view is I would assume that very few people use that crossing, personally, compared to others but, again, that would have to be evaluated by means of collecting data and ascertaining.  
Again, it has not been tabled to the Traffic Commission, because a request has not come forward.

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**Eastern Beach parking provision  
Government plans**

225 **Clerk:** Question 435, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the provision the Government will be making in respect of parking at Eastern Beach and how soon it is expected this provision will be made?

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the total parking provision derived from the Eastern Beach beautification scheme currently being undertaken is 158 car-parking spaces, which includes two disabled bays. This is scheduled for completion by 8th June 2012.

235 Following the demolition of the Mediterranean Hotel building, the area will be embellished and an additional seven car parking spaces, including one disabled bay and 36 motorbike spaces, will be provided. This is scheduled for completion in July 2012.

240 In addition to the foregoing, the following additional spaces will be available: 122 car parking spaces on the Eastside reclamation area; seven car parking spaces, including one disabled parking bay, opposite the northern changing rooms; 18 motorbike spaces directly opposite the northern changing rooms; 30 motorbike spaces at the entrance to the beach; 16 centrally located along Eastern Beach Road near the substation; an unquantified number on the Aerial Farm, as has been the case in previous years.

245 In summary, there will be provision for approximately 294 car parking spaces and 100 motorbike spaces, plus an unquantified number on the Aerial Farm.

**Hon. D J Bossino:** Mr Speaker, by way of clarification, in relation to that last list the Minister has just read through, starting from the 122 car parking spaces, I think the total the Minister mentioned was 194.

250 **Hon. P J Balban:** The whole total?

**Hon. D J Bossino:** Yes, what was the last figure the Minister...? Maybe I can ask that.

255 **Hon. P J Balban:** I said that in summary, there will be provision for approximately 294 car parking spaces and 100 motorbike spaces, plus the unquantified number at Aerial Farm.

260 **Hon. D J Bossino:** In relation to that last bit, the Minister has not given a date as to when it is expected that these will be available. He has given dates in relation to the seven car parking spaces and 36 motorbike spaces for some date in July and then, prior to that, there will be 158 – he mentioned there would be 158 parking spaces, which would include two disabled car-parking spaces to be made available on 8th June. But in respect to the last batch, is the Minister able to advise this House as to when those will be ready?

What concerns me, what is playing on my mind, just to assist the Minister, is, given the impending bathing season, whether he thinks that these will be available for Eastern Beach users by then?

**Hon. P J Balban:** Parking facilities will be as every other year.



265 It is only those that I have given specific dates to which are the ones, obviously, which will not be ready by the commencement of the bathing season. Other than that, all other parking spaces mentioned without the given dates will be available by the start of the bathing season.

270 **Hon. D J Bossino:** I am grateful to the Minister for that confirmation.

**Hon. S M Figueras:** Mr Speaker, I take it from the omission from the Hon. the Minister's response to the original question that no bicycle parking facilities will be provided at the beach?

275 **Hon. P J Balban:** That is right.

**Devil's Tower Road multi-storey car park  
Use by vehicle importer companies**

280 **Clerk:** Question 436, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting times it takes vehicular traffic to cross –

285 **Clerk:** Question 436.

**Hon. D J Bossino:** I am asking the wrong one, am I? (**Mr Speaker:** Yes.) I do apologise, Mr Speaker. I have not woken up yet. (*Laughter*)

290 Can the Minister for Traffic, Health & Safety and Technical Services advise the House how many parking slots have been allocated for use by vehicle importer companies at the Devil's Tower Road multi-storey car park pursuant to the licence agreement it has recently negotiated and, consequently, how many are available for public use?

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, in total, 500 parking spaces have been allotted for the use of vehicle importer companies at the Devil's Tower Road multi-storey car park. This leaves 170 spaces available for public use.

300 **Hon. D J Bossino:** Mr Speaker, I take this opportunity to ask the Minister whether the Government has, at this stage, reached a final decision as to whether it intends to proceed with the use of that parking facility as a park-and-ride facility.

305 The answer, I think, at the last session of the House, which was now two months ago, was that no final decision had been made by the Government.

**Hon. P J Balban:** The position remains the same.

310 **Hon. D J Bossino:** Given that two months have transpired since I last asked the question in a supplementary, can the Minister give this House an indication as to when he thinks that the Government will be in a position to have a firm policy with relation to this issue?

315 **Hon. Chief Minister:** Mr Speaker, there is an issue here which cuts across a number of ministries. There are issues relating to what will happen to the north of the runway, which may impact on where the best place to locate park and ride schemes may be; and also, of course, the issue of what you might call the Western Beach reclamation, although it does not impact the beach – the hon. Gentleman knows which reclamation I am referring to – the one that comes from the windsock down to what was the old slipway there, which was a matter that was being pursued by the previous administration, in discussion with the vehicle importer that is now using a number of spaces in the Devil's Tower Road car parks, which impact on the

320 ability to use those car parks as a park-and-ride.

In the event that the Western Beach reclamation, as it is known, were to be completed, then you would see the vehicles that are there from the importer going to that reclamation as part of that scheme, which would free up a lot of parking spaces up there. But, in any event, there may be other issues, north of the runway, which may make it easier to have a park-and-ride scheme very close to the frontier, which would decongest even Devil's Tower Road from vehicles coming in that far.

325 Those things are the ones that are in the mix. One of them will happen sooner than the other – or one determination will happen sooner than the other – and those are the issues that impact on what happens to the Devil's Tower Road car parks.

330 **Hon. D J Bossino:** I am grateful to the Chief Minister for that reply.

It is, in fact, as I understand it, his party's, the GSLP's, commitment at the last General Election to build park-and-ride facilities closer to the border. Presumably, that is still going ahead and the only issue which the Government is considering is the location of those facilities.

335 **Hon. Chief Minister:** Mr Speaker, that is right; but of course, as I was saying to the hon. Gentleman and he, the present Leader of the Opposition, knows better than me, given the time that he has been in Government, Gibraltar is a jigsaw puzzle.

340 So, a tunnel under the runway, or some other mechanism that is going to cut through Winston Churchill Avenue may determine what you can do in the area from the frontier to what are presently the northernmost barriers to cross the runway. If you do not have that, then you have still got a dual carriageway, north and south, coming up to the area of the Rotunda, that you need to provide for.

345 If you do not have that road and it is going somewhere else, then you have got a greater margin of flexibility as to what you can do in that area north of the runway. So the tender that is being issued in respect of the tunnel, the redevelopment of the area of the Rotunda, the Western Beach reclamation, all of these things are in the mix and have to be determined, in order to have clarity as to what might happen *inter alia* in respect of the Devil's Tower Road car parks, as they are at present.

350 **Hon. D J Bossino:** It may be unfair and unreasonable to pose this question to the Chief Minister, Mr Speaker, but perhaps he can assist this House: the original supplementary related to timings. When does the Government envisage that there will be a conclusion and a determination as to what is going to happen in relation to the issue I have just been posing questions on?

355 **Hon. Chief Minister:** Mr Speaker, I will tell him honestly, that 'as soon as possible'.

But there are issues, as the hon. Gentleman and the Leader of the Opposition will know, about environmental impact assessments etc. which relate to the Western Beach reclamation, which will take some time to determine. There is the issue of the tender documents in respect of the tunnel, etc. All of those things are not things that will happen immediately and they are, as I told him, in the mix.

360 So it may be that you do not have to wait for all of those things to be determined to be able to move on, but some of them do have to happen.

**Hon. D J Bossino:** I am grateful to the Chief Minister.

365 **Hon. P R Caruana:** Mr Speaker, there is a commercial arrangement in place with a particular party who is involved in that reclamation which serves what I believe is one of the most worthwhile industrial projects in Gibraltar. That is in the mix, too, as is the fact that he knows there is severe political opposition from other places, for that reclamation to go ahead. All those factors were taken into consideration by us and the decision made to proceed.

370 He has invoked me and my presumed knowledge. As far as I was aware, all the environmental questions that have been raised by the environmental impact assessment had been resolved and all that was at stake was the final Ministry of Defence... in connection with the proximity of the airfield type issues, but that was that.

I think the project was slightly more advanced than the hon. Member's answer suggests.

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman will forgive me for saying that the understanding I have been given is not that, and that there are issues as to the *shape* of the reclamation.

375 I think there was more than one shape proposed, so that other industrial activity might also be able to happen in that area, related to yachting, and that the environmental impact assessments varied, and that we do have to go through another process there. But I think that what is clear is that we both agree that that is an area where that sort of activity should be ongoing.

380 We have now received – I do not know whether it was at the tail end of his time – the MoD’s concerns about that, which do not impact as to the... The MoD’s concerns do not impact as to shape; they impact only as to the distance between the runway and where the *active* industrial activity needs to be, so there is a bit of a corridor that needs to be left relatively vacant; and the *mechanism* for reclamation, which is also a relevant issue, given that – and I do not know whether he was aware of this or not – the reclamation cannot be done in the way that the Westside reclamations were done because that could attract to the dead molluscs in the area a lot of birdlife, which near the runway you cannot have.

385 But this reclamation, as far as we are concerned, is a runner. We are talking already to the principal party commercially involved – because there are others – and it is something that should happen, in our view, as soon as it is possible to start work.

390 **Hon. P R Caruana:** Yes, well certainly, Mr Speaker, that is very welcome news.

I suspect that this was one of those issues where Gibraltar might benefit from a private conversation between us. There are people who adopt positions and they are not necessarily what they appear, in terms of whether they would like to see this happening or not, and the mechanisms that they use to delay it or bring it about, and it is just as well that the hon. Member is aware of those. He can assess them for himself. He can decide whether I was paranoid or realistic but, certainly, I would be grateful for the opportunity, which I can do here in the anteroom, just to give him one or two indicators that he might want to look out for.

395 But certainly, the Opposition is delighted that the Government is committed to reclamation in that area for those purposes.

400 **Hon. Chief Minister:** Mr Speaker, I am grateful for that indication and I will be taking the Leader of the Opposition up on the offer of a private chat about it.

He will know that, at the time that we were on the Opposition benches, we were not raising any opposition to this proposed reclamation, and our questioning about the issue used to be about timing as well. So on that issue, I think, both sides of the House would see this as a reclamation which is in the economic interests of Gibraltar and should go ahead.

410 **Hon. S M Figueras:** Mr Speaker, just bringing the issue back to the original question and to the Hon. the Minister for Traffic, were individuals on the waiting list, however long or otherwise the waiting list would have been at the time of the change in use of the multi-storey car park, consulted as to whether they may be interested in taking a space at the Devil’s Tower Road car park before the change of use?

415 **Hon. P J Balban:** There were adverts in the press regarding the take-up of any offer, if anybody actually wanted a parking space but, really, that car park has just never had the interest shown by residents in the area. So we have seen that it was just becoming an empty car park. The Government decided to use it for alternative reasons.

420 **Hon. D J Bossino:** Following on from my hon. and Learned Friend’s question, given the information we received, which is that there are 170 car-parking spaces available and given that the total number of applicants on the waiting list amounts to 215, I wonder whether the Government would seriously consider and make perhaps a greater effort to open up these parking spaces to anybody who is *currently* on the waiting list. That would, I think, go some way to reducing the waiting list quite substantially.

425 Just if I may, Mr Speaker, one of the reasons why we have asked this question is we have received representations from individuals who were potential applicants, but they were really put off by the information that they had received, which was that the waiting lists were quite long, and therefore they never bothered to apply. But if the Government has available to it in its resources, 170 spaces, it may make life easier for those current applicants and those who may wish to apply and have not because of the information that they have been receiving from the relevant authorities.

**Hon. P J Balban:** You are obviously referring to people who do not live in that area. The people who

430 have shown interest have been people who are not residents of that area, I assume. Is that right?

**Hon. D J Bossino:** The hon. Member is asking me the question, but I... (*Interjection*) It is irrelevant. (*Interjections*) It is irrelevant to the question which is posed.

435 The question is would the Government consider opening up the 170 spaces to the other 215 applicants and thereby assist in the reduction of the waiting list and make the life easier to those applicants?

**Hon. P J Balban:** Well, in fact, the 170 spaces which are available are available for people who go to the area, be it for funerals or be it for commercial purposes, to buy or whatever, or visit the family at the estate. So those 170 spaces are not up for grabs. They are part of the pay-and-display or the actual pay-as-you-go system in the car park.

440 **Hon. D J Bossino:** So the answer would be that, as far as the Devil's Tower Road multi-storey car park is concerned, it is fully booked at this stage?

445 **Hon. P J Balban:** There are just a few spaces available, as I said, for any person living in the area who decides that they want a parking space. As I said, there are a few spaces available for that purpose. Other than that, it is taken, yes.

450 **Hon. D J Bossino:** Mr Speaker, can the Hon. Minister advise this House what he means by 'a few' and whether this could go some way to tackle the six applicants who have expressed an interest in the Devil's Tower Road multi-storey car park?

455 **Hon. P J Balban:** No. Actually 'a few' means three to five parking spaces left available and, as I said, they are specifically just in case someone moves dwellings and decides that they want parking in that area. That is what it is there for, just to keep the buffer there.

**Vehicular traffic crossing the frontier  
Average waiting time**

460 **Clerk:** Question 437, the Hon. D J Bossino.

465 **Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the average waiting time it takes vehicular traffic to cross the frontier, broken down on a monthly basis over the preceding five months?

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

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

**Answer to Question 437 of 2012**

**VEHICLES LEAVING GIBRALTAR**

2011	No. of days with ...		Days with Queues			2012	No. of days with ...		Days with Queues		
	No Queues <sup>1</sup>	Queues	Av Waiting Time	Highest Average	Lowest Average		No Queues <sup>1</sup>	Queues	Av Waiting Time	Highest Average	Lowest Average
December	5	26	25 mins	40 mins	11 mins	January	7	24	19 mins	43 mins	8 mins
						February	1	28	28 mins	56 mins	13 mins
						March	2	29	28 mins	56 mins	16 mins
						April	4	26	30 mins	52 mins	15 mins

<sup>1</sup> "No Queues" means that 4-lane queues were not in operation in Gibraltar.

**Frontier area policing  
Officers deployed over last five months**

475 **Clerk:** Question 438, the Hon. D J Bossino.

**Hon. D J Bossino:** Can the Minister for Traffic, Health & Safety and Technical Services provide this House with details of the manpower deployed at the frontier area over the last five months, to include the number of RGP police officers and Highway Enforcement Officers, the hours spent policing by these officers and the consequential costs incurred as a result of such deployment?

480

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the RGP has recently undergone an HR restructure and some officers have been redeployed to police traffic matters, including the frontier queues and security in the area.

485

From 0700 hours to 2200 hours on a daily basis, there are always two permanent police officers deployed to the area. This, however, is augmented during the course of the weekdays, particularly in the afternoons after 1600 hours when there is greater volume of traffic and diversions are implemented for phase two of the frontier loop and Devil's Tower Road. To achieve this, three police officers are deployed to the frontier for phase two implementation and a further three officers are deployed for the Devil's Tower Road/Sundial/Third Lane implementation. The length of time that these officers spend at this location depends entirely on the volume of traffic and the duration that the diversions are maintained.

490

Police deployment for these diversions can vary on a daily basis, so to obtain an accurate figure is impossible.

495

With respect to the Highways Enforcement Officers, they commenced frontier queue duties during the last week of January 2012. On average, there are three officers on duty only when the queues are formed. So figures for January, for the last week only, through to 9th May, the total hours worked are 500 and the total direct costs are £8,350.

500

**Hon. D J Bossino:** From the information there, Mr Speaker, would it be possible – I know it is going to be recorded in *Hansard* and we expect *Hansard* to be printed very soon – can the Hon. Minister perhaps provide me with a copy of the reply? I would be grateful for that.

505 **Hon. P J Balban:** Yes.

**Hon. D J Bossino:** Whilst I wait for the reply, I know it is not his area of responsibility, certainly not the Government's, but does the Minister know when the Human Resources restructure of the RGP took place?

510 **Hon. G H Licudi:** Mr Speaker, this is a matter which is work in progress. It has started. It has not been completed. It is a matter that I have been discussing with the Royal Gibraltar Police for a number of months.

I should add that, in particular, the discussions on the restructure have taken place since there has been a change of Commissioner and Commissioner Eddie Yome has taken over.

515 **Hon. Chief Minister:** It is his plan.

**Hon. G H Licudi:** He is the one that came up with a plan for restructure, particularly with emphasis being placed on community policing, with a number of officers being redeployed to create a Community Policing Unit. That is generally part of the restructure, with redeployments being done in order to achieve that purpose.

520 **Hon. D J Bossino:** Mr Speaker, in relation to frontier queues, which is the subject of this question on the Order Paper, can the Minister clarify whether he personally has had any involvement – the Minister for Justice, who has just risen to reply – had any involvement in relation to the restructure which would have had an impact on Police presence at the frontier area?

525 **Hon. G H Licudi:** No, this is purely an operational matter for the Royal Gibraltar Police. They handle that

and I have not had any involvement or been asked to contribute to that.

530 **Hon. Chief Minister:** Indeed, Mr Speaker, one would expect that the Government would have had no involvement in relation to that issue.

**Register of asbestos in public buildings  
Progress in starting**

535

**Clerk:** Question 439, the Hon. J J Netto.

540

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if a register of asbestos in public buildings, which would be a public document that people can refer to at any time, in accordance with their manifesto commitments, has started?

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

545

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** The Government, in discharging its obligations as an employer and in fulfilment of its manifesto commitment, will shortly be initiating the process of establishing an asbestos register for all of its properties and will further be creating a central database where all such information will be held.

550

**Hon. J J Netto:** Mr Speaker, I am grateful to the hon. Gentleman for the fact that he is about to embark on providing this register, but could I try and seek some clarification?

When he talks about Government properties, can he expand what he actually means by that? Did he actually mean, for instance, like Parliament, which is just a public building, but in extension to public buildings, is he also referring to the Government housing rental stock, for instance?

555

**Hon. P J Balban:** The scope of the register is to include all public properties in which asbestos is found. This will include all Government offices, as well as Government housing stock. The Ministry for Housing has advised that they have been compiling a register of the latter since November 2006, which is updated on a yearly basis.

560

**Hon. J J Netto:** Mr Speaker, in relation to this exercise to provide the documentation to service for the register, does the Hon. Minister know how long such an exercise could take?

565

**Hon. P J Balban:** It is actually not possible at this stage to advise when this will be completed, because it is dependent, obviously, on the collection of all the data and its collation.

In any case, this document will be a *live* document, which means the register will, I suppose, one day, *may* finish, but it is something which will continue as more properties are identified as containing asbestos.

570

**Hon. J J Netto:** Could the Hon. Minister indicate, given that this must, one assumes, be a mammoth task almost, in terms of providing surveys to every Government public property, which will require a considerable period of time... Will extra resources be provided to the Factories Inspectorate for the purpose of doing this actual work?

**Hon. P J Balban:** No.

575

**Hon. G H Licudi:** Mr Speaker, can I just add, because there is a separate question in the Order Paper in relation to the Schools' Health & Safety audit, and I will be addressing the issue of the asbestos matters in schools in answer to that question, and it has an impact on what the hon. Member has asked because we... specifically in schools, and I will deal with this later on, but just to clarify this particular answer, particularly in schools we are engaging someone to carry out an asbestos survey for school buildings and that will clearly have a cost.

580

585 **Hon. J J Netto:** Mr Speaker, I do not necessarily want to dwell too much on the question of extra resources, because I think there is also another question on the Order Paper, but I am a bit concerned that if the answer that the Hon. Minister has provided is that no extra resources will be provided for conducting such a huge task, and given that, in the past, the Hon. Minister has said that the work that the two existing Factories Inspectors have has been very much on the reactive side of doing things, as opposed to being proactive – which one can assume the service will be on the proactive rather than reactive – I think that if no extra resources are provided for, this particular exercise is going to take a huge amount of time.

590 Leaving that to one side for a minute, so I can put a supplementary question, what I would like to ask the Minister is that... As and when surveys are conducted, in terms of a building which has asbestos in the property, and provided that, as we all know, that asbestos has not been tampered with, then it is fine, there is no Health and Safety risk to be concerned about; but whenever there is asbestos which has been tampered with, which is broken and may be releasing some airborne fibre content into the atmosphere, obviously that means that there is a need to carry out the work as soon as possible, because of the health implications of finding the asbestos in such condition as a result of the survey.

595 So what I would like to ask the Minister is whether the Government has a commitment to ensure that, whenever there is asbestos which has been tampered with, they will carry out the works within a very short period of time.

600 **Hon. P J Balban:** The whole point of this register is actually for us to know exactly where the asbestos is so that, hopefully, does not occur, which means to say we will know exactly where the asbestos is so they will know exactly how to treat and how to embark on those works, knowing, obviously, where it is located.

605 **Hon. J J Netto:** With respect, my question was pointing in a slightly different way and perhaps prompted when I was asking a supplementary question to the Minister for Housing, from my hon. Friend, the shadow Minister, Edwin Reyes, and I was actually looking at, for instance, the Housing Works Agency, when they are conducting their own works. I was trying to ascertain from the Hon. Minister for Housing, Mr Bruzon, whether there was a particular response time for a particular category of works. He seems to indicate in his supplementary that there is not, apart from whatever is constituted in the category of emergencies. I was trying to bring out the question of [*inaudible*] works and asbestos removal; but the impression I got from the Minister for Housing was that it was not an emergency, it was not an urgent thing to do.

610 So, I would obviously argue the opposite. I would argue that if there is asbestos which has been tampered with and is releasing airborne fibres into the atmosphere, that the works need to be conducted as soon as possible. So there needs to be very close liaison between your own people and the Housing Works Agency, if it is a Government dwelling, or even perhaps GJBS, if it is a public building like Parliament, etc.

615 So what I am trying to find out is what discussions there have been between different Departments that belong to the different ministries in making sure that the response time for urgent work of this nature is done very soon.

620 **Hon. P J Balban:** I totally agree.

625 At the moment, the minute that asbestos is found, obviously something needs to be done urgently because they are airborne fibres and it is obviously detrimental to health. So the moment it is actually discovered and *disturbed*... because, obviously, the asbestos could be there and if we do not tamper with it, it is perfectly fine for it to remain there, but the moment it is tampered with, there is the risk of airborne fibres and the obvious detrimental risk to a person's health and obviously action should be taken immediately.

**Hon. J J Netto:** Mr Speaker, perhaps one more final supplementary question.

630 Although I am sceptical on the question that no extra resources are going to be dedicated to do the surveys, one assumes, of course, on the other hand, that if there is any particular sitting tenant in a Government flat, or if there are some civil servants working in any public building, and if they were to report the fact that they are concerned that there may have been some asbestos contained within that particular building and the asbestos is broken and it may constitute a Health and Safety risk, one presumes, of course, that within the existing factory inspectors, they will immediately come to ascertain the degree of seriousness of the asbestos in order to carry out the work as soon as possible. Is that the case?

635 **Hon. Chief Minister:** Mr Speaker, not only is it the case, but we have had occasion, since being elected,

to face such a scenario, and the work has commenced within 24 hours.

**Hon. J J Netto:** In a Government property?

640

**Hon. Chief Minister:** In a Government property, and the work commenced within 24 hours.

**Hon. J J Netto:** I am grateful to the Chief Minister.

645

When the work is actually being done, in terms of allocating who is going to do the work, if it is a Government flat it goes to the Housing Works Agency and if it is a public building – I keep saying Parliament, but I am not actually referring to Parliament – does the work then automatically go to GJBS, or perhaps it could be put out to tender, or... What is the system in place?

650

**Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman cannot do is say, ‘This is something which is very urgent. Don’t you agree if we discover it we have to do it quickly?’ – with which we do agree – and then say, ‘How are you going to allocate it? Are you going to go out to tender?’

655

Obviously, if it is something that you need to deal with within 24 hours, you have to use the Government’s own resources to deal with it very quickly. What we have done in those circumstances – because there is the expertise, as the hon. Gentleman will know, in GJBS – is the only thing that really we could legitimately do quickly was have GJBS deal with it.

We have not yet had to deal with it being in Government housing stock – it has really just happened in an administrative building of the Government – and in those circumstances a proper and appropriate way to deal with it quickly was to call in Government’s maintenance company, GJBS.

660

**Hon. J J Netto:** Mr Speaker, perhaps one final question.

**Mr Speaker:** That was promised three ago. (*Laughter*)

665

**Hon. J J Netto:** With your indulgence, Mr Speaker!

I keep coming back to one of the original answers provided by the Minister in relation to no extra resource is going to be provided for conducting the survey. Does it mean, therefore, that the Government is thinking of outsourcing into the private sector the execution of the surveys to do the register?

670

**Hon. P J Balban:** I think we need to clarify to the hon. Gentleman that it is not the intention for us to go out and generate surveys and inspections. The point of the asbestos register is if works are carried out, as recently happened in one of the Government buildings, and asbestos is discovered, then obviously that building will be listed within the asbestos register and any other building will be, as is already... There are a number of buildings, in terms of the housing stock, which have already been identified and that information, since 2006, has already been part of an asbestos register, as such.

675

So it is not the intention for us to go seeking and hunting for dwellings. It is just as they are discovered they will form part of our asbestos register in the future.

680

#### **Factories Inspectors Making work proactive**

**Clerk:** Question 440, the Hon. J J Netto.

685

**Hon. J J Netto:** Mr Speaker, given the comments made by the Hon. the Minister for Health & Safety on the launch of IOSH Branch in Gibraltar on 22nd March 2012, in that the work of the Factories Inspectors was solely reactive, what plans does the Minister have to make their work proactive?

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

690

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, at



present the role of the Factories Inspectors in the Department is being assessed to see ways in which this side of Health and Safety may be targeted. By increasing manpower within the Department, as a first step, the Government plans to be able to engage in more proactive work.

695 This has, in fact, already commenced by way of Health and Safety audits which are intended to help increase awareness within these environments, with the aim of helping to reduce the risk of potential injuries in the workplace.

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

700 Could the Hon. Minister please indicate or expand as to who is assessing the Department?

**Hon. P J Balban:** The Senior Factories Inspector has been tasked to look at his proposals for review, what his suggestions are for the Department so we can provide the other wing, the other facet of Health and Safety which has not been targeted in the past. That is the proactive side.

705 **Hon. J J Netto:** So, basically, what the Minister is saying is that this is an internal report that the Senior Factories Inspector has provided to the Minister and that is what the Government is considering at the moment, as opposed to being an external... looking from the outside at the whole range of duties that the Factories Inspectors are conducting.

710 The Minister also mentioned, in his first answer, that they are conducting, I believe he said, Health and Safety audits. Could he expand on the type of audits that they are conducting?

**Hon. P J Balban:** The one that immediately springs to mind, obviously, is the Health and Safety audit being carried out at schools at present. That is one of the audits being carried out.

715 **Hon. J J Netto:** Is it the intention to proceed to do other audits, not just necessarily within Government workplaces but perhaps outside places, whether to do perhaps with the dry docks or with the construction industry or some other ones which, in the opinion of the Factories Inspector, may be in need to spend some time looking at the workings of their practices perhaps in the private sector. Would that proceed then?

720 **Hon. P J Balban:** At present, obviously, before the review is carried out and we decide how the Department is going to be structured, it would not be possible with the resources at the moment, human resources are just not sufficient enough to be able to carry this out.

725 **Clerk:** Question four hundred and –

**Mr Speaker:** The Hon. Jaime Netto.

730 **Hon. J J Netto:** So is it then, therefore, the hope of this section – Department, if I can call it that – that as and when more people are employed as factory inspectors, to be able to expand this particular role into other industry groups?

**Hon. P J Balban:** Yes, we will be considering that.

735 **Hon. D J Bossino:** Mr Speaker, does the Government have an idea at this stage as to how many Factories Inspectors they intend will be employed?

**Hon. P J Balban:** Not at this moment in time. At the moment, there are two Factories Inspectors, but there is no idea at the moment.

740 **Hon. D J Bossino:** The Minister, Mr Speaker, made reference to a review. Presumably that is going to be a review of the Department. If my assumption is correct, does he know when that review will conclude?

The reason why I am asking that, following on from my earlier supplementary, is that the results of the conclusion of that review will determine how many Factories Inspectors the Government intends to employ.

745 **Hon. P J Balban:** At the moment, I am not able to actually give you an idea as to how long this review

will take.

750

**Inspection of work equipment  
Transposition of EU Directive 2009/104**

**Clerk:** Question 441, the Hon. J J Netto.

755

**Hon. J J Netto:** Mr Speaker, has the Minister for Health & Safety a target date for the transposition of EU Directive 2009/104 on the inspection of work equipment?

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

760

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Directive 2009/104/EC is a recast of Directive 89/655/EEC, as amended by Directive 2007/30/EC.

Directive 2009/104/EC has no transposition date. However, the transposition date in respect of Directive 2007/30/EC is 31st December 2012.

765

Her Majesty's Government plans to transpose Directive 2007/30/EC by its transposition date.

**Hon. J J Netto:** Mr Speaker, I was trying profusely to write down all those dates of all those Directives. I wonder whether the hon. Gentleman would not mind having the paper actually, a photocopy, with all those particular names of the Directives, so I can actually follow them, if he does not mind.

770

Perhaps while that information is coming through, can the hon. Gentleman tell me what this particular Directive, even though it has been superseded, or is part of the previous one, is basically to ensure, obviously, there will be some kind of another register, if I can call it that, where the Factory Inspector will know in all work places throughout Gibraltar, public and private, where all equipment is and is working to the satisfaction of the Factory Inspector, so that following, at the end of the day, what is the push of Health & Safety, to ensure that proper conditions are maintained and a log book, perhaps, is maintained to ensure that the work equipment is provided.

775

So my question is does the Factory Inspector have some kind of a log book register to ensure where the work equipments are and that they are maintained to the proper standards?

780

**Hon. P J Balban:** I will actually have to ask my Factories Inspectors that question but just for clarification, this is the same – it is a recast of the previous Directive, so it is just organising the same Directive in a different form, so it follows on from the last one.

785

**Factories Inspectorate  
Provision of requested statistical data**

**Clerk:** Question 442, the Hon. J J Netto.

790

**Hon. J J Netto:** Is the Minister for Health & Safety now in a position to answer Written Question Nos. W5/2012, W6/2012, W7/2012, W8/2012, W9/2012, W11/2012 and W12/2012?

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** No, sir.

795

Two software programmes have been tried and tested by the Factories Inspectorate and both have failed to fulfil their statistical requirements. The Factories Inspectorate are still pursuing other software providers in search of a software that provides the statistical data requested.

800

**Hon. J J Netto:** Do I then take it from the hon. Gentleman that the software programme that was purchased, in probably December 2011 or January 2012, is not up to the standard that the Factory Inspectors would have liked and, as a result of that, they are abandoning that software programme and they have

purchased another one? Is that the case?

805 **Hon. P J Balban:** No, sir, it was actually a trial version of the said statistical software. In fact, they have trialled two softwares of this type and they have not been successful in providing the information, as requested by yourself.

810 The sad thing here really is that the original software programme – which is the one that worked well, apparently – its licence agreement was terminated in June 2009, because if that had not happened in 2009, they would still be benefiting from that programme. We have actually gone back to the same suppliers of the programme because, obviously, that worked for them then, and the actual company has changed the way it does its software and it is no longer suitable for us.

So, had we not terminated that licence agreement, then we would not be sitting here today discussing why this information is not available.

815 **Hon. J J Netto:** Yes, I can understand what the hon. Gentleman is saying. I remember the software programme that he is actually mentioning now was a software programme that was purchased in my time, way back in our first term of office, so it has served its purpose for quite a number of years. Obviously, at the end of the day, whether they have renewed or not renewed the licence, and that caused a problem, I think you said in 2009, it has led to the situation we are in now.

820 Can I ask the hon. Gentleman whether the software programme that is being contemplated, is it a software programme that has been produced, if I can call it that, by the Health and Safety Executive in the UK? In other words, is it purposely designed by the Health and Safety Executive, albeit that it has to be tweaked for the local circumstances in Gibraltar?

825 Is that the case, or is it a software programme where you have to get a technician to actually start from scratch, not necessarily one that is modelled on the Health and Safety Executive in the UK?

**Hon. P J Balban:** I will need to ask the Factories Inspector exactly what it is, but I would assume that it is something that comes off the shelf. Otherwise, if it was something that was tweaked and done for our specific purposes, then we would be tweaking it in the right way so that it could perform the functions that we want it to perform.

830 So I am assuming that what is happening is that they are purchasing software which is just not doing what they request it to do.

**Hon. J J Netto:** Perhaps one more final question on this one.

835 Given that it is not my intention to ask this particular question every month, perhaps if the hon. Gentleman can indicate to me when he reckons that the current work which is being done now will pay some dividends and provide the information which I have been asking for. Can he indicate whether, perhaps, in two months' time or in four months' time he will be in a position to provide the information?

840 **Hon. P J Balban:** How long is a piece of string? What I am trying to say is as soon as... We are obviously actively pursuing getting it, because obviously this will help the Department. The Department has been without this facility since 2009, when the contract was terminated. The sooner we have that, then obviously it will serve our purposes as well as the Department's.

845 So really the answer to the question is the sooner the better, but I cannot tell him when they are going to pinpoint the right software programme.

**Factories Inspectors  
Inspections in March/April 2012**

850 **Clerk:** Question 443, the Hon. J J Netto.

855 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state how many inspections during March and April 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible breach of the Factories Act or any subsidiary legislation may have been committed by any private

company at a Gibraltar Government or MOD workplace, and whether legal advice is being sought?

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

860

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 444 to 446/2012.

865

**Health & Safety  
Reported accidents in March/April 2012**

**Clerk:** Question 444.

870

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if there have been any reported accidents during the months of March and April 2012, showing the industry group involved and stating which ones were reportable, major and fatal, if any?

875

**Factories Inspectors  
Site meetings and advice in March/April 2012**

**Clerk:** Question 445.

880

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state how many site meetings and advice were given by the Factories Inspectors during the months of March and April 2012, broken down by month and industry group?

885

**Factories Inspectors  
Prohibitions and improvement notices in March/April 2012**

890

**Clerk:** Question 446.

895

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

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

900

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

*[See Tables overleaf]*

GIBRALTAR PARLIAMENT, TUESDAY, 22nd MAY 2012

ANSWER TO QUESTIONS 443 - 446

Table HS.1

Monitoring Activities, 2012

Industry Sector	Inspections / Site Meetings / Advice			
	January	February	March	April
Electricity Supply/Related				3
Water Supply/Related				
Shipbuilding/Marine Repairs				
Manufacture		1		
Construction	14	29	38	17
Wholesale Trade				
Retail Trade		2	3	
Hotel Trade				
Restaurants, Bar etc				2
Repairs Consumer Goods				
Sea Transport Related	1	2		
Air Transport Related				
Road Transport Related				
Post & Communications				
Bank, Finance, Insurance				2
Public Admin & Natl Defence		1		
Police, Security, Fire Services				
Sanitary Services				1
Education				
Medical & Health Services				
Other				
Horticulture				
Unknown				
<b>Total</b>	<b>15</b>	<b>35</b>	<b>41</b>	<b>25</b>

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

Table HS.2

Occupational Reportable Accidents, 2012

Industry Sector	January			February			March		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Electricity Supply/Related									
Water Supply/Related	1								
Shipbuilding/Marine Repairs	2			1			1		
Manufacture									
Construction	2	1		2			2		
Wholesale Trade									
Retail Trade									
Hotel Trade	1								
Restaurants, Bar etc								1	
Repairs Consumer Goods									
Sea Transport Related									
Air Transport Related									
Road Transport Related									
Post & Communications									
Bank, Finance, Insurance									
Public Admin & Natl Defence	1			2					
Police, Security, Fire Services									
Sanitary Services	2								
Education									
Medical & Health Services									
Other									
Horticulture									
Unknown									
<b>Total</b>	<b>9</b>	<b>1</b>	<b>-</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>4</b>	<b>-</b>	<b>-</b>

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

Table HS.3

**Enforcement Activities, 2012**

Industry Sector	Prohibition/Improvement Notices Served							
	January		February		March		April	
	PN	IM	PN	IM	PN	IM	PN	IM
Electricity Supply/Related								
Water Supply/Related								
Shipbuilding/Marine Repairs								
Manufacture								
Construction	1							
Wholesale Trade								
Retail Trade								
Hotel Trade								
Restaurants, Bar etc							1	
Repairs Consumer Goods								
Sea Transport Related								
Air Transport Related								
Road Transport Related								
Post & Communications								
Bank, Finance, Insurance								
Public Admin & Natl Defence								
Police, Security, Fire Services								
Sanitary Services								
Education								
Medical & Health Services								
Other								
Horticulture								
Unknown								
<b>Total</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>

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

905 **Hon. J J Netto:** Mr Speaker, the first thing is I would like to give my thanks to the Minister because providing the information in this manner is quite helpful. So I would like to give him my thanks for that.

In relation to my supplementary question, if we look at the page on inspections, we see that there is a preponderance for the Factory Inspectors to focus their inspections almost, one would say, on the construction industry side. This is something which I have referred to in the past. What I would like to ask the Minister – because I have to put this in the form of a supplementary question – is why is it that they are concentrating almost exclusively on the construction industry and perhaps not distributing the time that they have available, given that there are two Factory Inspectors, to do a much wider search of inspections to other industry groups?

910  
915 In the past, when I have asked that question, the Minister has said, ‘Well, because normally there is a higher incidence of accidents in the construction industry,’ which is true – that is true – but just in the same way that that is true, it is also true to say that the second highest level of accidents is also in the dry docks, so I just do not see any sort of inspection by the Factory Inspectors on perhaps what is the second highest industry group.

920 So could the Minister provide some clarification as to why there is almost exclusive focus on the construction industry?

**Hon. P J Balban:** As you rightly said earlier, it is their perception of where risk is greatest and, although I accept that you have also mentioned the dry docks, construction is clearly evidently the place where accidents happen with the greatest frequency, so this is why – I assume this is why – they are targeting the construction industry more than anything, but obviously I will look into...

925 I am aware that they have carried out something recently at the dry docks as well. They have been there. It might not appear in these statistics yet – perhaps next month, the month of May, because this runs all the way till April, but I am aware that... I believe they have been involved with the dry docks recently, but I need to confirm that and, if that is the case, obviously, these will appear in next month’s statistics.

930 **Hon. D J Bossino:** Mr Speaker, does the Minister know whether these inspections take place after accidents occur, or is that not necessarily an assumption that one ought to be making?

**Hon. P J Balban:** No, the inspections are instigated for different reasons. Sometimes the general public calls in and says, 'There is some scaffolding somewhere and there are people walking too close to the edge, please inspect it', or there is rubble falling from building sites.

935 So, many of these inspections are actually instigated due to public reports, or even reports from other *[inaudible]* persons around the area, be they professionals or the general public.

940

**Factories Inspectors  
Recruitment**

**Clerk:** Question 447, the Hon. J J Netto.

945

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if new Factories Inspectors have been employed recently and, if so, could the Minister state if such vacancies were trawled through the Civil Service Bulletin or not? If not, what was the recruitment process involved and the qualification criteria used, if any?

950

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

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, no new Factory Inspectors have been employed recently.

955

**Hon. J J Netto:** Mr Speaker, what prompted me to ask this question in the first place was because, Gibraltar being such a small place, I actually saw in one of the Government public vehicles one of the Factory Inspectors, along with a Health & Safety – not the representative, but the other ones – who normally works, or used to work in the Housing Works Agency. In fact, he was wearing one of those luminous jackets and it had said something like, 'Health & Safety Inspector' or something like that, so I thought to myself, 'Yes, this particular person that was doing this type of work for what used to be Buildings and Works, now the Housing Works Agency, and perhaps he is working closer.'

960

Even though I take for granted that there has been no person employed recently, is the Minister perhaps trying to maximise the views of other Health & Safety inspectors – not the Factory Inspectors, Health & Safety Inspectors, from other Government Departments – in the work that the Factory Inspectors are doing? Is that the case?

965

**Hon. P J Balban:** I must say, well spotted, first and foremost, having spotted the gentleman with his green jacket!

970

But that is the case, yes. There were some members of staff from the Housing Works Agency and they have shown an interest in being deployed to help out in the Health & Safety Department. Because, obviously, we are lacking resources, then the Government is happy for this to happen, as long as the staff are happy to do so and that the members of staff are, in fact, capable of doing so. That is the case.

975

**Hon. J J Netto:** Could the Minister perhaps indicate, then, how many Health & Safety Inspectors from other Government Departments are, actually, if I can call it, seconded to the Factories Inspectors. Is he aware of that?

980

**Hon. P J Balban:** As we have two individuals who are – one of them is seconded, one is not – the first one does other things apart from that, but there are two members of staff, apart from the input we have from Technical Services, Health and Safety experts, who actually conduct the Health and Safety audits of schools as well.

So, there are the two Factory Inspectors, plus the two gentlemen from the Housing Works Agency, plus our in-house Technical Services Department as well, who are all involved, either fully or somewhat, in

985 providing support to the Department.

**Hon. J J Netto:** Mr Speaker, obviously there is nothing wrong necessarily with other Health & Safety inspectors being seconded with the Factory Inspectors and, in fact, going out with the Factory Inspectors, because, obviously, they have got much to gain from such skills and knowledge that the Factory Inspectors do have.

990 What I would like to ask the hon. Gentleman is, given that he is thinking about employing more Factory Inspectors, will there be a certain criteria in terms of qualifications that will be the prerequisite for being able to apply for the post?

995 **Hon. P J Balban:** Obviously, persons who are to apply for this post, if, obviously, this materialises, will have to have, obviously, all the qualifications needed to be able to apply for the post in question.

**Hon. J J Netto:** But does he know which are the qualifications that will be the necessary ones?

1000 **Hon. P J Balban:** No, I am not entirely sure what the necessary ones would be.

**Hon. J J Netto:** Mr Speaker, I am not going to dwell more with this, suffice to say that perhaps that I will write to him separately, to try and understand what the qualification may be in the future.

1005

**KGV works investigations  
Unsafe practices; breaches of Factories Act**

1010 **Clerk:** Question 448, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if, as a result of my letter to the Senior Factory Inspector with regard to the unsafe practices at the KGV works, he has inspected the site and, if so, has he seen any breaches of the Factories Act or any of its subsidiary legislation, and whether he has recommended any improvements to the work environment?

1015

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

1020 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Principal Factories Inspector did not consider that unsafe practices were being carried out at the King George V Hospital and therefore it was seen that there was no need to inspect the site.

However, he made further enquiries and met with the management of the above mentioned project to discuss the issues raised in your letter, and they were satisfied with the measures that were in place.

1025 **Hon. J J Netto:** Well, Mr Speaker, that was a very predictable answer! (*Laughter*)

**Hon. P J Balban:** It is true, though.

1030 **Hon. J J Netto:** But, while I can understand it is predictable in the sense that, perhaps, the Hon. Minister may wish to shield himself from the legal niceties of saying no unsafe practices did emanate, what I would urge the Hon. Minister is to leave the legal niceties for protecting himself and perhaps provide a more commonsense answer to the question.

I say this, Mr Speaker, because the fact of the matter is that, much as he would like to say to the contrary, there were many occasions in which those particular youngsters were not supervised at all. We have reports, not of one day but *many* days in which they were not supervised.

1035

The fact of the matter is that in work like this, normally, under Health and Safety, you look for best practices. If you look for best practices, he would know, as the Factory Inspectors know, that kids, or youngsters, should have had hard helmets on and the proof of that is that people have seen the youngsters, not only unsupervised on the scaffold, but they have seen them leaning with their body outside of the scaffold.



1040 They have been seen on the roofs, chasing seagulls away from the roof of the KGV Hospital.  
1040 Mr Speaker, I am not trying to score any party political points at all, in relation to this, much as the Chief  
1045 Minister seems to indicate that he is not satisfied with that, by his gesture. What I am concerned is, because  
1045 we have all been youngsters – I have been a young person myself and I have not been an angel, I can say that  
1045 – but when young people are left to their own devices, they will do things that will increase the risk that they  
1045 pose in the workplace. The last thing I would want to have is a situation where an accident were to happen,  
1045 something which we would all be very sorry about and then I say, ‘Well, I warned you about it.’ I would not  
1045 want that to happen.

1050 What I would want to happen, for the good sake of the young people there, is that when the Hon. Minister  
1050 goes away and, in fact, the Minister for Health, as well, given that this is property that belongs under the  
1050 auspices of the GHA, is that they ensure that the people that have to supervise the youngsters are supervising  
1050 the youngsters and that best practice, regardless of whether the law tells you that they should wear hats or not,  
1050 is adopted, so that the youngsters ensure, when they become craftsmen, that they take the best practice, as far  
1050 as Health & Safety is concerned.

1055 **Hon. P J Balban:** Mr Speaker, the Factory Inspectorate actually applies best practices. Obviously, people  
1055 working there, they cannot be nannied and they cannot be held by the hand to make sure... I have been  
1055 assured that they were supervised at all times, whether the supervisor popped in for a coffee and came out,  
1055 this is what...

1060 The best practices are sought at all times and, in this particular case, because the work involved collective  
1060 protection overheads, there was no need and they were still painting. They were painting the façade: there was  
1060 no need for protective helmets. This is the advice that I have received from the professionals. It is not  
1060 something that –

**Hon. J J Netto:** Well, Mr Speaker, I –

1065 **Mr Speaker:** Before the hon. Member poses... or makes a statement, I observe that the last time there  
1065 was no question; this time there must be a question. [*Inaudible*] not repeating the same advice.

1070 **Hon. J J Netto:** My only question, Mr Speaker – I can understand the response that he is giving me, for  
1070 the sake of *Hansard* – but my question is, when he actually goes back and when he actually goes and talks to  
1070 the Factory Inspectors, please ensure that best practice is not what they are practising in Gibraltar, but is the  
1070 commonsense practice applied in local authorities in the UK, which is that youngsters on a scaffold will wear  
1070 hard hats to ensure their safety at all times.

1075 So can I ask the Hon. Minister, not for the purpose of *Hansard*, that when he goes away, he actually  
1075 ensures that all protection that is necessary, even if it is going beyond what the Factory Act says, is provided  
1075 for.

1080 **Hon. P J Balban:** As I said previously, I am satisfied with the response given by the Principal Factories  
1080 Inspector, but the Department will always strive to find the best, or to enforce the best working practices  
1080 possible in that respect.

1085 **Hon. G H Licudi:** Can I just add that responses given by Government Ministers are not just given for the  
1085 purposes of *Hansard*, they are given in response to a particular question and are given honestly and  
1085 truthfully?

1085 In this particular case, the issue arises out of professional advice received by this Minister in particular,  
1085 and if the professional advice is that the practice that has been adopted was best practice and there was no  
1085 unsafe practice, then that is what the Minister has indicated is the Government’s position. I hope the hon.  
1085 Member will accept that, because that is the advice of the professionals.

1090 **Hon. J J Netto:** Mr Speaker, with respect –

**Procedural**

1095

**Mr Speaker:** Order. Order. The point has been made, a well-made point. We move to Question 449.

1100

**Hon. J J Netto:** Well, Mr Speaker, I am not entitled to...?

**Mr Speaker:** No!

**Hon. J J Netto:** Thanks very much, for not being able to –

1105

**Clerk:** Question 449, the Hon. Mrs I M Ellul-Hammond.

**Hon. P R Caruana:** Mr Speaker, why is one Member of the House entitled to make a speech and another not entitled to react to it? That also is a novel practice from the Chair.

1110

**Mr Speaker:** No, the point that the Hon. Jaime Netto made in his supplementaries –

**Hon. P R Caruana:** I am not talking about that, Mr Speaker; I am talking about the last exchange.

1115

**Mr Speaker:** Well, I am talking about what I see going on in this House.

The point that the Hon. Jaime Netto made was that an answer was aimed at satisfying the requirements of *Hansard* and so forth. The Hon. the Minister for Education and other responsibilities made the point that answers given in this House by a Minister are not aimed at *Hansard*, but are aimed at answering the question.

That, in my view, is a valid point to make and there was no need for further discussion of that subject. That is why I said there was no need for further discussion.

1120

**Hon. P R Caruana:** Mr Speaker, a subject is either appropriate to be discussed, in which case it is appropriate to allow both sides of the House to discuss it, or it is not appropriate to be discussed, in which case neither side of the House should be allowed to discuss it.

1125

What I cannot understand is a situation where a subject is appropriate to be discussed by the Government side, but not by the Opposition side.

**Mr Speaker:** With respect, the Hon. Jaime Netto made a statement that an answer given by the Minister was aimed at satisfying *Hansard*. That is a point made by a Member on this side of the House.

1130

A Minister on this side of the House has risen to make the point, quite properly, that the answers are not aimed at *Hansard* but aimed at answering the question. The matter has been discussed. Each one has had his say on the matter. It has been discussed. We could go on, and on, and on forever.

What will the Hon. Jaime Netto say? He was probably going to say something else, but it would never end that discussion. It is not for discussion really.

1135

Question 449.

**EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

1140

**Schools' Health and Safety audit  
Completion and findings**

**Clerk:** Question 449, the Hon. Mrs I M Ellul-Hammond.

1145

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education state whether the schools' Health and Safety audit has been completed, and what the findings are?

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

1150 and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, as previously stated in answer to Question 25 of January 2012, the first site visit took place in January 2012. As I also indicated at the time, it was envisaged that the process would run for several months. The audit has not been completed.

1155 I am, however, pleased to say that the following schools have been audited: Gibraltar College; Bayside Comprehensive School; Westside Comprehensive School; Bishop Fitzgerald Middle School; Sacred Heart Middle School.

The findings of the schools' Health and Safety audit will be released on completion of the whole exercise.

1160 I would also say, Mr Speaker, noting part of the answer that I gave in January – which was the fact that the process will take several months – does not mean that Health and Safety issues are not looked at in the interim.

1165 I can say, in particular having regard to the discussion this morning on asbestos, that there are two matters which have been recommended for action, in respect of the schools that have been audited. One was a fire door which was locked in one of the schools – I believe it was the College – and that matter was recommended for immediate action and that has been actioned.

1170 The second matter was a recommendation that an asbestos survey be carried out in the schools that have been audited. I am pleased to say that our arrangements are being made at the moment for an asbestos survey to be carried out in respect of each of those schools. The purpose of the asbestos survey is quite simply to facilitate the identification of asbestos-containing materials that could possibly be contained within the building's fabric.

1175 There are three schools at the moment that have an asbestos register: Bishop Fitzgerald Middle School; Governor's Meadow First School; and St Bernard's First School. So of the five that have been audited already in this Health and Safety audit, one of them already has an asbestos register and we are in the process of looking at carrying out an asbestos survey in respect of the others so that an asbestos register can be compiled in respect of all the schools.

**Hon. Mrs I M Ellul-Hammond:** I am grateful for that.

1180 Mr Speaker, can the Minister then confirm if there are any other recommendations that have been made so far or issues highlighted from the audit that has taken place so far? Those were the only two that you mentioned that have been highlighted.

1185 **Hon. G H Licudi:** Those are the only two for immediate concern and our aim in carrying out this process is twofold. Firstly, we have a Health and Safety audit going forward, reporting all the results of any issues that may be raised; and, secondly, if there are any matters that are raised which require either immediate action or are recommended for action to be taken straight away. Those are the only two items that have been recommended for immediate action and we are taking immediate action on those things.

1190 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the Health and Safety audit be finished before the end of this academic year?

**Hon. G H Licudi:** No, Mr Speaker. My understanding is that it is expected that this will be completed some time in the autumn.

1195 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, when the audit is completed, will the findings be tabled in this House?

**Hon. G H Licudi:** Mr Speaker, I have not contemplated tabling the findings in this House, but, as I have said, the findings will be released on completion.

1200 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise when he envisages next year's Health and Safety audit of all schools to start, as he mentioned in answer to Question 25 in January that this is intended to be a yearly audit?

1205 **Hon. G H Licudi:** Yes. Next year's audit will start next year.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if the schools' audits are to be yearly, can the Minister advise how many months of the year that the schools will not be in audit mode or implementing the recommendations?

1210 **Hon. G H Licudi:** Mr Speaker, it is intended that this is done by calendar year, rather than academic year. We have started this year's audit in January and it is going to take a number of months. We do expect that – I cannot say on 1st January of next year; in fact, the schools will be closed on 1st January of next year – but as from January, we will be looking at carrying out the 2013 audit – in other words, *organising* the 2013 audit.

1215 As I stand here today I cannot say, 'Well, we are actually going to do it on 15th January or 17th January or 1st February', but there will be an audit in 2013.

1220 I believe I also indicated, when this matter was last raised, back in January of this year, that once the first audit has been completed, then we envisage that it will be a simpler process to carry out a second audit, because a lot of the groundwork will have been done. A lot of the identification process will have been carried out and it will simply be a question of revisiting those issues and seeing whether there are any *new* issues which require any action at all; but it certainly will be an easier process second time around, which will take place in 2013.

1225 **University of Gibraltar  
Plans for setting up**

**Clerk:** Question 450, the Hon. Mrs I M Ellul-Hammond.

1230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what the plans are for the setting up of a University of Gibraltar?

1235 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Gibraltar Government has commissioned a study, exploring the different options available.

1240 A variety of alternative pathways associated with degree-awarding powers are being explored. The study is being carried out by Professor Daniella Tilbury of the University of Gloucestershire. Is it anticipated that Professor Tilbury will report to the Government in the autumn of 2012.

1245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us what the options are for the setting-up of the University of Gibraltar, in particular the one given to the Government by the Liberal Democrat MP, Simon Hughes, when he brought with him a proposal from the University of London, I believe?

1250 **Hon. G H Licudi:** Mr Hughes, as I believe I explained in an interview with GBC at the time, is a good friend of Gibraltar and is assisting [*inaudible*] has come to the Government voluntarily with his views on this. He had had some contact with the University of London and, in fact, I followed that up myself.

I had a meeting in London with the Chief Executive of the International Programme and his senior staff of the University of London, to see exactly what it is that they offer, and there are a number of options which are available.

1255 That is one of the aspects that has been looked at in this study: whether we do associate ourselves with the University of London and whether the degrees which are awarded here are University of London degrees and, because there are a number of different options available, in what way we are associated as a College with the University of London...

So the hon. Member asks, what is actually being considered, what options are being considered, and that is clearly one of the options in terms of the degree-awarding powers. Are we going to have our own degree-

1260 awarding powers? Are we going to delegate that and enter into an arrangement with someone else?  
The other options that are being considered clearly involve what courses are going to be given, which courses are going to be full-time, which courses are going to be part-time, staffing arrangements which may be necessary. Location issues are clearly being considered.  
1265 So there are a whole range of options that are being considered as part of the study and that is why we felt it was necessary to commission a proper study, to look at all this and advise the Government,

**School secretaries  
Additional full-time employed; cost**

1270 **Clerk:** Question 451, the Hon. Mrs I M Ellul-Hammond.

1275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many more secretaries, or the equivalent, are being employed to service the schools on a full-time basis and how much will this cost?

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

1280 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the school secretary complement in December 2011 was the following: four full-timers – two in each of the comprehensive schools, that was the four full-timers; and 11 part-timers, with some schools sharing a part-time secretary.

1285 Of the 11 part-timers, 10 have indicated that they wish to take up full employment and are actually already carrying out a full school day.

The pay and conditions for the full-time post is currently being discussed with the secretaries concerned and their union officials.

1290 The eleventh person of the part-timers is actually retiring at the end of August of this year and is therefore not interested in becoming a full-timer.

The Government intends to employ three additional full-time secretaries: one to fill the vacancy created by the person that is retiring and two new posts, so that no school will have to share a secretary, as has happened until now and is still actually happening because the posts have not been filled.

1295 The additional cost of having all schools with full-time secretaries will be determined once the current discussions with the union have been concluded.

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

So what you are saying is that the full-time equivalent is eight: ten part-timers going full-time, so that is half each, plus another three. Am I correct?

1300 **Hon. G H Licudi:** I am not sure that I follow the 'full-time equivalent'. Can the hon. Member clarify what she means?

1305 **Hon. Mrs I M Ellul-Hammond:** Yes, part-time is considered half a person and ten part-timers will be going full-time, so that is the equivalent of five whole, and then you are employing another three new full-time secretaries. So five and three is eight.

**Hon. G H Licudi:** Five and three is eight, plus the four full-timers that currently exist. There are four full-timers already: two in Bayside and two in Westside.

1310 As the hon. Member rightly says, of the 11 part-timers, 10 have indicated that they wish to go full-time and we have already made arrangements because we wanted immediate cover on the schools. We have already made arrangements and those are actually working the full day already. So that cover has already been provided.

But, yes, we will need to employ a couple of extra, one for the retiring and a couple extra simply because

1315 there are four schools sharing two secretaries at the moment. Therefore, on those two secretaries becoming full-time, two schools are left without a secretary and we will need to employ two extra to cover those two schools.

1320 **Hon. E J Reyes:** Mr Speaker, may I ask, as well, the Hon. Minister for Education, with all the statistical figures we have been given, is the College of Further Education and *their* secretarial support team, are they included in those statistics or are they being treated as a separate entity?

**Hon. G H Licudi:** The College is certainly included.

1325 **Hon. E J Reyes:** My understanding is that there was a full-time secretarial support at the College and there has been no reference made to that.

**Hon. G H Licudi:** My understanding – the information I have – is that the College actually *shares* a secretary at the moment and the College will be getting a full-time secretary.

1330 **Hon. E J Reyes:** Yes, I understand because I think the Minister is talking ‘secretary’ by classifying nomenclature, because College should have... and I purposely use the words ‘secretarial support’ because it has got someone from a clerical grade there. (*Interjection*) Yes?

1335 So perhaps for future statistics – I am not too bothered now – the Hon. Minister might be able to provide us with details of school secretaries and/or secretarial support, which means they are non-teaching staff. They are not involved in any classroom support, but rather within the administration.

It does make a very big difference within a school, if you have a clerical officer there. In fact, the clerical officer, by job descriptions themselves, can carry out far greater ranges of tasks than a school secretary who normally does more telephone, receptionist type of work.

1340 **Hon. G H Licudi:** Yes, the hon. Member... it is true. There is clerical support in the College; but the question has nothing to do with that. One thing is an AO that may be engaged in the College... The question was specifically about school secretaries, which is a specific post, and that is the answer that I was addressing.

1345 Certainly, I can confirm that the College does have additional clerical support, which other schools do not have.

#### New teaching posts Distribution

1350 **Clerk:** Question 452, the Hon. Mrs I M Ellul-Hammond.

1355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain how the 47 new teaching posts have been distributed among the schools and the Department of Education?

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

1360 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the 47 new teaching posts will be distributed on the basis of the process explained in answer to Question 278/2012 of March 2012. They will address the specific needs of schools and the Department of Education, as discussed with head teachers. Interviews for these posts have already been held. The process of selection has not been completed and it is envisaged that this will occur within the next month.

1365 As a result of this process, as we have already said, the teaching complement will be increased from 333 to 380.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise when he will be in a position to tell us how these 47 posts have been distributed?

1370 **Hon. G H Licudi:** Mr Speaker, as I have indicated in the answer, it is envisaged that the whole process will be completed within the next month.

I should add, Mr Speaker, that there are a number of issues which the hon. Member may want to be aware of because the previous question which dealt with this also asks whether the 47 teachers were *in addition* to any retiring teachers that may be engaged and I confirm that that was, in fact, the position.

1375 In fact, I can say today that we have confirmation of 10 teachers retiring this academic year. So the process that is actually being done and the interviews that have been conducted are for the recruitment not of 47, but of 57 new teachers – 10 to take up the 10 retiring posts and 47 new additional teachers.

1380 There has also been, quite recently, a batch of nine TLR promotions and that often leads to transfers within schools. Those matters, that process... interviews for that were held on 24th and 25th April and, as a result of that process, there will be some movement within schools. All that also has to be taken into account, as part of the consultation process with head teachers in deciding which posts go where.

The hon. Member will understand that I am reluctant to go into any specific detail as to which post arising in which particular school, when candidates have been selected and do not currently know the outcome of that selection process.

1385

#### **School class numbers Maintaining optimum level**

1390 **Clerk:** Question 453, the Hon. Mrs I M Ellul-Hammond.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us what the Government's policy on maintaining an optimum number of children in classes at each level of the education system is, what these numbers are for each school and year, and how any shortfalls will be addressed?

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

1400 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy for maintaining an optimum maximum number of children in classes at each level of the education system is based on the following: First Schools, to work with a class size of approximately 20 pupils; Middle Schools to work with a class size of approximately 25 pupils; Secondary Schools, Years 8 and 9, approximately 25 pupils; Years 10 to 13 will depend on year group and subject.

1405 Head teachers will have some flexibility and discretion as to how they deploy their teachers, having regard to subject needs and based on educational grounds.

Class sizes is one of the factors which is being considered in relation to the distribution of the 47 new teaching posts that are currently being engaged; but this process – the whole process of the number of children in each class – will be subject to ongoing review and discussions and the Government may have to revise the policy, taking into account feedback from the Department of Education and school heads.

1410 Finally, I would stress that the numbers that I have given are *optimum* numbers, not fixed numbers, and clearly head teachers, on educational grounds, would have to decide how they deploy their teaching complements.

1415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is any special consideration being given to St Martin's School, in terms of optimum size of classes there?

1420 **Hon. G H Licudi:** Mr Speaker, that is a matter that I will need to take up with the Government officials. It is not a matter that I have initially discussed in the context of preparing this particular question; but, clearly, class sizes will depend on the needs of the children in that particular school.

**Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, perhaps I will write to the Minister requesting that information.

Mr Speaker, if it transpires that some schools are to add extra classrooms, in order to lower the

1425 teacher/pupil ratio to the optimum number or very close to that optimum number, which rooms will be used?  
Will specialist teaching rooms be used if the school physically, the building physically, cannot take the extra classrooms?

1430 **Hon. G H Licudi:** Mr Speaker, the Hon. Member talks of pupil/teacher ratio. We have not worked on pupil/teacher ratio. We believe that that is the wrong way of looking at this. There are in each school a number of teachers that either do not have a full timetable, like heads and deputy heads, and therefore to look at a school and simply count the number of pupils and the number of teachers and do a ratio is not, I believe, the right way of going about it. We prefer to look at the optimum number of children in each particular class, rather than the overall ratio. So I thought I would just clarify that particular point.

1435 With regard to classes, that is certainly something that the head teachers will have been considering in putting forward their staffing requirements for the school and those have been discussed with the Department of Education.

1440 There has been, as far as I am aware, no identification of a specific problem with classrooms which might be available in order to accommodate the extra teachers and these classes, and, as I said, head teachers will have flexibility.

1440 There are plans for refurbishment and creating extra classrooms in some schools, which we are currently working on and which we will announce in due course, but not specifically in relation to this particular process, because that is not an issue that has been highlighted as being particularly problematic.

1445 **Hon. Mrs I M Ellul-Hammond:** I am grateful that refurbishment will accommodate it, because representations have been made to us about concerns that extra classrooms could be at the expense of specialist teaching rooms, and this is obviously something that parents and teachers will not like to see happen.

1450 So can the Minister assure us that, at all costs, art rooms, libraries, kitchen labs and so on will be protected?

**Hon. G H Licudi:** Mr Speaker, I am not aware of those representations and no such representations have been made to me of specific concerns. These are matters on which I have been in ongoing discussions with the Department of Education.

1455 If the hon. Member is aware of any specific school where parents have raised specific issues, then I would certainly want to know about it, but no representations have been made to me about that particular concern.

1460 **Self-funded postgraduate students in UK  
Reimbursement of costs by Gibraltar Government**

**Clerk:** Question 454, the Hon. Mrs I M Ellul-Hammond.

1465 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education tell us how many self-funded students undergoing postgraduate studies in the United Kingdom, which started this academic year in September 2011, have been reimbursed under the Government's new policy of all postgraduate studies being granted as a mandatory entitlement, as for first degrees, and how much this has cost?

1470 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, no students have been reimbursed, since no such requests have been received.

1475 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does this policy also apply to distance learning postgraduate courses?

**Hon. G H Licudi:** Mr Speaker, I do not have that information. The question specifically talked about



1480 postgraduates and that is the area that I have discussed.  
I am not aware of – the hon. Member will not hold me to it – any requests for reimbursement of distance learning; but, certainly, for postgraduate studies there have been no requests at all for reimbursement.

1485 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government's new policy that discretionary grants will now be mandatory?

1490 **Hon. G H Licudi:** No, Mr Speaker. What we have said is that *postgraduate* studies will now be mandatory. That does not take care of *all* possible discretionary grants which might exist or which anybody might apply for and, therefore, it does not mean that everybody who applies for absolutely anything will be given a mandatory scholarship. This policy specifically refers to postgraduate studies, in the nature of a Masters or a Doctorate.

**Hon. E J Reyes:** May I ask, Mr Speaker, in respect of postgraduate studies, does that mean residential *and* distance learning, both?

1495 **Hon. G H Licudi:** Yes.

**Clerk:** Question –

1500 **Mr Speaker:** The Hon. Isobel Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just to clarify the point I was making earlier, if I may quote from the manifesto. It states, under postgraduate studies:

1505 'Postgraduate study will cease to be discretionary and will be granted as a mandatory entitlement, as is the case for first degree courses.'

1510 **Hon. G H Licudi:** Yes, Mr Speaker, that is precisely what I have said: that, in terms of postgraduate studies, they will be mandatory. It does not mean that all applications which might be made for some sort of funding for any type of courses are necessarily within that category. But certainly, postgraduate applications will be considered mandatory.

1515 **St Bernard's School  
Plans for re-housing**

**Clerk:** Question 455, the Hon. Mrs I M Ellul-Hammond.

1520 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain what plans he has for the re-housing of St Bernard's School?

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

1525 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is currently exploring a number of sites and options. A final decision on the re-housing of St Bernard's School has not yet been taken.

1530 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that the school *will* be re-housed, given the grave concerns that were highlighted by his colleague, the then Opposition spokesman for Education, at nearly every one of his Education Budget addresses?

**Hon. G H Licudi:** That is certainly the Government's intention.

1535 **Court Maintenance Orders  
Numbers breached and details**

**Clerk:** Question 456, the Hon. J J Netto.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many Maintenance Court Orders are in breach for non-payment since this question was asked in Written Question No. 31/2012, broken down by sex and length of time, and in how many of these cases are the courts intending to enforce the Order, in accordance with Part V of the Magistrates' Court Act?

1545 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1550 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Magistrates' Court currently has 71 Maintenance Orders on its records. This is a reduction of 19, since I responded to Written Question 31/2012.

The court is aware that 10 are currently in breach, which is also a reduction from the 29 cases, since I last reported.

Of the 10 in breach that the court is aware of, the breach is due to non-payment by males.

I have a breakdown of the length of breach in these 10 cases that I am happy to pass to the hon. Member.

1555 **Hon. J J Netto:** Mr Speaker, I am grateful to the –

**Hon. G H Licudi:** Mr Speaker, I have not finished. There is still –

1560 **Hon. J J Netto:** Oh, sorry.

**Hon. G H Licudi:** I am midstream! (*Laughter*)

I am passing that information specifically in a table, but of the Maintenance Orders in breach, six are being considered for enforcement action by the court. The remainder are either subject to committal orders or enforcement has been stayed, pending a change of circumstances by the parties involved.

**ANSWER TO QUESTION 456**

**Table 1: Breakdown of Maintenance Order breaches known to the court, by length of breach (month ending April 2012)**

<b>Number of cases</b>	<b>Length of time in breach</b>
<b>2</b>	<b>Not paying full amount</b>
<b>2</b>	<b>4 weeks</b>
<b>1</b>	<b>5 weeks</b>
<b>1</b>	<b>7 weeks</b>
<b>2</b>	<b>8 weeks</b>
<b>1</b>	<b>19 weeks</b>
<b>1</b>	<b>148 weeks</b>
<b>10</b>	<b>Total</b>

1565 **Hon. J J Netto:** Mr Speaker, that does away with my supplementary questions, so that is fine! Thank you.

1570 **Complex criminal cases  
Cases other than fraud**

**Clerk:** Question 457, the Hon. D A Feetham.

1575 **Hon. D A Feetham:** Mr Speaker, does the Minister for Justice accept that there can be complex or exceptionally difficult criminal cases other than fraud cases?

1580 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Yes, sir.

1585

**Crimes Act; Criminal Procedure and Evidence Act  
Commencement by Government**

1590 **Clerk:** Question 458, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, when does the Minister for Justice envisage that the Government will be in a position to commence the Crimes Act and the Criminal Procedure and Evidence Act?

1595 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is aiming to be in a position to commence the Crimes Act and the Criminal Procedure and Evidence Act on 1st October 2012.

1600 Perhaps it might be useful if I explained to the hon. Member and the House why that particular date.

The hon. Member will be aware of the previous questions that have been asked in relation to the Government's intention in respect of these Acts. I have made clear that some amendments will be necessary, particularly to the Criminal Procedure and Evidence Act, in relation, specifically, to the right to silence and some consequential amendments that would be necessary.

1605 The amendments which will be required are currently being drafted. We will have to publish a Bill and because it amends the Act, we will have to bring it to Parliament. It is envisaged that, because of the six weeks which are required for publication, it will not be possible to bring that amendment before the summer recess. Therefore, the first opportunity that will be available will probably be September this year.

1610 In the likelihood that that happens in the September sitting, then whatever changes are necessary will have been made and we will then be in a position to commence the Acts, as amended, on 1st October 2012. So that is the thinking as to why that particular date has been chosen.

1615 **Hon. D A Feetham:** Yes, of course, in relation to the right to silence, the Government could take the course of action of not commencing those provisions relating to the right to silence. You could do it that way.

But is the position that has been brought into the mix as well, the question of the age of consent? Does the Government envisage that there will be amendments to the Crimes Act consequential upon this issue of the age of consent and the Government's consultation exercise that it launched a number of weeks ago?

1620 **Hon. G H Licudi:** Mr Speaker, certainly, part of the consideration of this process in terms of the timing and commencement of the Act, is the issue, clearly, of the age of consent and the provisions, specifically, of the Crimes Act, which deal with those issues.

1625 As the hon. Member has indicated and knows, we issued a consultation process. The process finished on 9th May, as I seem to recall, and the Government is currently considering the representations that have been made during that process, so that a final decision can be taken. Whatever decision is taken, if there are any amendments, we will have time to make amendments and bring them to the House in September; but that will depend, clearly, on whatever the Government's decision is. It may be that there is no need for an amendment in relation to that specific issue.

1630

**Confiscation proceedings  
Introduction of enabling legislation**

**Clerk:** Question 459, the Hon. D A Feetham.

1635

**Hon. D A Feetham:** Does the Government intend to introduce legislation allowing for confiscation proceedings to be brought to court, depriving defendants living a criminal lifestyle of the financial benefit that he or she has obtained from criminal conduct?

1640

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

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the confiscation of assets, where there has been a benefit obtained from criminal conduct, is already covered by two Acts in Gibraltar.

1645

Under the provisions of the Crime (Money Laundering and Proceeds) Act 2007, the court can make a confiscation order against a person following a conviction for an indictable offence, other than a drug trafficking offence, if it can be shown that the person concerned has, as a result of that offence, benefited from criminal conduct in the sum of at least £10,000.

1650

In addition, under the provisions of the Drug Trafficking Offences Act 1995, the court can make an order for confiscation of assets, if a person is convicted of a drug trafficking offence.

These two Acts also provide for the registration of external confiscation orders, if an application is made by a designated country and certain conditions are met. The Government is aware that, in the United Kingdom, there is provision under the Proceeds of Crime Act 2002, to seek the confiscation of assets which arise from criminal conduct, even if no criminal proceedings are brought against a person. The Government is currently considering the introduction of similar legislation for Gibraltar.

1655

**Hon. D A Feetham:** Yes, I did not mean the first two, because obviously I was aware that those are on the statute books. It is the latter.

1660

Is the Minister in a position to state at what stage the Government is at with consideration of introducing legislation similar to that in place in the United Kingdom in relation to the third aspect? Will he give an indication today to this House whether the Government feels that such legislation, or a similar type of legislation, is appropriate to be introduced here in Gibraltar?

1665

**Hon. G H Licudi:** Mr Speaker, with regard to the stage that we are at, we are at the stage of discussing with people within the criminal justice system about the need for such legislation in Gibraltar.

I would not want to give an indication of the final decision, because that final decision has not been made, but I can tell the hon. Member that a final decision will be taken imminently and if we decide to introduce legislation, then we will ask for the necessary drafts to be prepared. But this is being given very active consideration by the Government at this very minute.

1670

**Hon. D A Feetham:** Can he confirm that, apart from considering the legislation itself, that the Government has also considered the question of the resources that have to be in place in order to make something like this workable?

1675

Certainly, on this side of the House it is something which we considered during our four years, but it involved the ploughing in to a project of this nature of considerable resources and the pooling of resources from the RGP, Customs, from the Attorney General's Chambers, so there were resource implications in relation to this.

Can he confirm that that is something that he has also, or that the Government has also considered?

1680

**Hon. G H Licudi:** It is something that the Government *is* considering. It is part of the mix at the moment. The legislation is being considered – the *possibility* of the legislation is being considered. No final decision has been taken, but clearly the issue of what additional resources might be necessary in order to make such legislation work is a matter that is currently in the melting pot and being considered by the Government.

1685

**Procedural**

**Hon. Chief Minister:** Mr Speaker, I move that the House do now adjourn to Friday, 25th May at 4.45 p.m.

1690

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 25th May 2012, at 4.45 p.m.

I now put the question, which is that this House do now adjourn to Friday, 25th May 2012, at 4.45 p.m.

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

This House will now adjourn to Friday 25th May 2012 at 4.45 p.m.

*The House adjourned at 11.27 a.m.*