



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.15 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

ENTERPRISE, TRAINING AND EMPLOYMENT

**Offers of employment by and through Government
Guarantees to staff recruited through recruitment agencies**

Clerk: Answers to questions continue.
Question 139 of 2012, the Hon. D A Feetham.

5 **Hon. D A Feetham:** Will the Minister for Employment confirm that he will respect and honour any offer of employment made by any Government Agency or Authority to employees referred to them by recruitment agencies prior to his instructions that Government Agencies or Authorities should not recruit employees in that manner?

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I am not aware of the employees that the Member is referring to.

15 **Hon. D A Feetham:** Will the hon. Gentleman confirm that if I refer him to a specific individual who attended an interview - in fact, an interview with the GHA referred to from a recruitment agency - who was offered the job prior to the hon. Gentleman giving the instructions that he gave, will he undertake to this House that he will honour that offer of employment?

20 **Hon. J J Bossano:** No, Mr Speaker. When he tells me about the case I will look into it, but I do not think the GHA or anybody else has got the power to make promises to recruitment agencies.

The position at the moment is that all Government agencies and authorities have to do the same as the private sector has to do, which is to open vacancies with the ETB fourteen days before they are filled, which is what the law requires.

25

**Future Job Strategy
Graduate applications**

30 **Clerk:** Question 140, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many graduates have applied to take advantage of the Future Job Strategy?

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

40 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The 10 graduates, Mr Speaker, who were being paid £450 allowance a month, have been transferred to the Graduate Company, earning a salary of £1,368.90.

Hon. D A Feetham: Is it a policy of the Government to use graduate trainees in order to cover maternity leave in Government agencies?

45 **Hon. J J Bossano:** No. The policy of the Government is to employ unemployed graduates and those who were previously on £450 a month on the training that may be relevant to them – if there is a job for them – or in carrying out research work for the Government.

In fact, some of these graduates, two or three of them, were actually working in the Health Service and in other areas on £450 a month and now they are in the same place doing whatever it was they were doing before, but getting £1,368.

50

55 **Hon. D A Feetham:** Yes, but does he not accept that it would be quite wrong for the Government to be using the Graduate Trainee Scheme in order, for example, to just pick somebody, a graduate, from the unemployment list, and place them, for example, in the GHA to cover for somebody's maternity leave as part of the Graduate Trainee Scheme, with that person not learning anything? He is just covering for maternity, covering for a job, and therefore ought to be paid at the rates that that job actually carries. Would he not agree with me about that?

60 **Hon. J J Bossano:** I do not agree with anything that he has said because it is all hypothetical. What I have to tell him is that the people who are now in the Health Authority, *now*, at this moment in time, were already there before, except they were being paid £450, instead of £1,368. So whatever it is that it is wrong that they are doing it for £1,300, it was three times as wrong before when they were getting one third!

65 **Hon. D A Feetham:** But, again, the hon. Gentleman has a habit... although I have to say that I have to congratulate him because he has really fine-tuned it to an art form. He obfuscates every single time that I ask a question. He does not want to answer the question.

I have asked him: if you are using... the use of the Graduate Trainee Scheme to cover for maternity leave, that that would be wrong - yes or no? Does he agree with me on that?

70 **Hon. J J Bossano:** Mr Speaker, I do not agree with him because I do not have to agree with any hypothetical suggestion that comes into his head.

75 I have already told him there are 10 and I have told him what the 10 are doing, and he is asking me, 'Suppose, instead of 10 there are 200 in a year's time and they are doing something different, would it be wrong?' I can tell him that, at the moment, the 10 people that are in the Scheme are the same 10 people that were there a month ago. They are in the same place as they were a month ago, which is where they were on 8th December, except that they are now getting £1,300 instead of £450. That is the information that is available that I can give him about the people who are employed in the Graduate Scheme.

80 What may or may not occur in a future date is a hypothetical question and I do not have to answer hypothetical questions.

Hon. D A Feetham: Of course, the hon. Gentleman assumes it is hypothetical, but it is not hypothetical. It is, in fact, linked to the question that I asked in my previous question.

85 There is an individual who was referred to the GHA by a recruitment agency, who attended the interview to cover for maternity leave, who was offered the job by the GHA, who had that offer of a job retracted because of the instructions that he gave round about the same time, and she has now been offered the job – in other words, covering for maternity leave – not at the rates of pay that would have appertained to that post, but on the pay of graduate trainees. It is not hypothetical. Does he agree with me that that is *wrong*?

90 **Hon. J J Bossano:** I do not agree with you that that is wrong, because I do not accept that that is what is happening, but I will investigate it. (*Interjections*)

95 **Future Job Strategy**
Company contracts to refund ETC expenses

Clerk: Question 141, the Hon. D A Feetham.

100 **Hon. D A Feetham:** Can the Minister for Employment state how many companies have signed contracts under the Future Job Strategy agreeing to refund the expenses incurred by Employment Training Company Limited in training that individual if he or she is not employed by that company?

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

105 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, around 70

employers have so far confirmed their willingness to enter into a Business Partnership Agreement with the Employment Training Company to employ trainees placed with them on completion of a training period.

110 **Hon. D A Feetham:** Mr Speaker, but that was not the question.
What I asked was how many employers have signed contracts – have actually signed contracts? Can he answer the question, please?

115 **Hon. J J Bossano:** The answer to the question is that employers are required to sign the contract after 30 days and no employee has had that training for 30 days.

Hon. D A Feetham: So the answer is that no employer has, as yet, signed any of these contracts?

120 **Hon. J J Bossano:** The answer is that no employer, as yet, has been asked to sign. They have been asked to say whether they are willing to sign if they are satisfied with the employee after 30 days and (*Laughter*) 70 have said they are willing to sign at the end of the 30 days. So it is not that we are asking them to do it now and they are refusing.

Hon. D A Feetham: So you are asking a hypothetical question!

125 **Hon. J J Bossano:** No, I am not asking a... It is a clear question. (*Interjection*) Are you willing... (*Interjection*)

Mr Speaker, if the hon. Member wants to have information, then I am prepared to provide him with information. If what the hon. Member wants to do is have things that he can twist to his own advantage (*Laughter*) and make use for the propaganda that he wants to make use, then he is not going to get that from me, (*Interjection*) so he should stop trying. (*Interjection*) He can try, but he is not going to get it.

130 So the answer to the question is that, of the people that have had persons already been placed with them, they have now been notified that, under the new system, they have got up to 30 days to make up their minds, based on whether they think the person would be suitable for the job that is lined up for them. If, at the end of the day, they decide that that person is not suitable, they can then return the person to us.

135 If they do not return the person to us because the person is suitable, then they sign an agreement. Seventy employers have said, if they are satisfied at the end of the 30 days, they will sign. The employers who have not done that have been informed that we will find alternative placements for the people with them.

140 **Hon. D A Feetham:** Is he still satisfied that this Scheme, effectively relying on private sector employees to sign these contracts, that this fulfils their manifesto commitment, and I quote,

‘to give trainees a *guaranteed* full-time job on completion’?

145 **Hon. J J Bossano:** It satisfies everything that we have explained to all the interested parties that have approached us on how this Scheme would work. It does not satisfy the misrepresentation that the hon. Member gave when he said I was going to *ruin* Gibraltar by putting everybody into the public sector. So since he wants to be able to attack me for ruining Gibraltar, even though I have no intention of doing it, he now wants to say that I am going back on my intention of ruining Gibraltar!

150 Now either he has got to make up his mind whether putting everybody in the Government is a very good thing for which he should congratulate me, or not putting them in the Government is something for which he should congratulate me. Clearly, he wants to congratulate me for nothing, so he is going to attack me whatever I do and, therefore, given that he is going to attack me, whatever I do, I will tell him what I am doing and therefore he has to accept that that is what is going to happen. The result will be, I hope, and I am convinced that it will be, that there will be less people unemployed in a year’s time than there are now, which is the purpose of the exercise, which I am sure he wants me, at least in that, to succeed.

155 **Hon. D A Feetham:** I have a copy of... Can I pass up to the hon.... (*Interjections*)
Can he confirm that this is the contract that employers are being asked to sign, guaranteeing the trainees a job at the end of their training? Is this it?

160

Hon. J J Bossano: Yes, it is, Mr Speaker. This is the one that says:

165 '...to confirm to the ETCL within 30 days of the start of the Employment Training that there will be a permanent job at the end of this period, subject to successful completion of the employment training period.'

Seventy employers have said 'yes' to one.

170 **Hon. D A Feetham:** What happens in a situation where, for example, the trainee is, in fact, employed, but then sacked a week later? Does he not agree with me that this, actually, does not cater for this situation and that, in fact, it is easily circumvented?

Hon. J J Bossano: I can tell the hon. Member that I do not think employers are going to be irresponsible and want to renege on their commitments.

175 So far the employers that I have dealt with all seem to be responsible people who want the good of Gibraltar but, of course, if the hon. Member is saying that this paper is not worth anything because people can simply wriggle out of it without any commitment, first of all, it is at least an improvement on what was there before when they had to give no commitment of any kind at all. They did not even have to wriggle. They just simply said, 'Go back and send me another one'; but, in any event, he has got to make up his mind. Either this is something that is too onerous for the private sector or something that is meaningless and places no burden on them. The last time in the last Question Time, he was standing up in defence of the private sector, saying how difficult I was making things for private sector employers.

180 I think the hon. Member has to accept that we are in the middle of February, that this started on 1st February, and that he wants me to speculate as to how successful it will be and all I can tell him is that I am determined to make it a success. Therefore, he can tell me that I have failed when I have failed, but I have not failed yet...

190 **Hon. D A Feetham:** Does he not accept that, in actual fact, one looks at this... any cursory examination of this contract, you would be bound to conclude that employers could easily circumvent the so-called 'job guarantee' by just sacking a trainee a week or two weeks, or a month later and they would have to repay absolutely nothing; and, in the light of that, it makes a mockery, an *absolute mockery*, of the guarantee that the hon. Gentleman provided, and the Government opposite, provided in their manifesto – that everybody who undertook training would be guaranteed a full-time job? Isn't that the case?

195 **Hon. J J Bossano:** No, Mr Speaker, it is not the case. What is the case is that the hon. Member, ever since he has spoken on this subject in the House and outside the House, has been rubbishing it. He has called it a con. He said I have reneged. He accused me of being Stalinist and wanted to put everybody in the public sector!

200 The answer is that I think he is afraid that it will work and he wants to undermine it and put a time bomb underneath and undermine confidence in it. I only ask him to please continue doing this because he has got 1,200 persons who are starting to benefit from this, who will be very attentive to all the fault-finding that he is engaged in and I think that will do the support of the Government the power of good. He should keep on doing this and rubbishing it. We will prove him wrong in a year's time.

205 He will have to eat his words in a year's time, when it will be a reasonable time to take stock and, on top of that, it will give me an opportunity to remind all the people that we have got in employment that, if he had been here, they would not be working.

210 **Hon. D A Feetham:** I have to say that, again, it is a masterful performance of obfuscation (*Laughter*) but does he not accept that this is a monumental U-turn because, at the end of the day, there is absolutely no guarantee at all? Does he not accept that there is a world of difference from what he promised at the last General Election, which was to employ everybody in a public company, in a Government-owned company, to the situation that we have now, which is a guarantee in the private sector that is not worth the paper it is written on? Isn't that the case?

215 **Hon. J J Bossano:** No, Mr Speaker.

I accept one thing: that he is the prime expert in Gibraltar on monumental U-turns and that, therefore, he is

220 better qualified than anybody in Gibraltar to assess what is a monumental U-turn. But this is not a
monumental U-turn. What is a monumental U-turn is what he told me in my office when he came back from
England, which was that he had a wonderful career there, that he was not interested in coming to Gibraltar
because he had political ambitions. He was only here to get rid of the man sitting next to him who had done so
much damage to his family (*Interjections*) That is a monumental U-turn. (*Interjections*) That is what he told
me. (*Applause*)

225 I have to say that, for the benefit and the *safety* of the Hon. Leader of the Opposition, with whom I have
shared so many happy moments in this House, (*Laughter*) I am glad that he has made the U-turn and that he
has got him so close, otherwise he might be in danger!

230 **Hon. D A Feetham:** Well, obviously, the hon. Member is not going to answer the question, but it is very
fresh from the man that he forgets I have a longer memory, it appears, than him. He is obviously older than
me, but the hon. Gentleman went from the IWBP to the Gibraltar Democratic Movement (*Interjections*), to
the GSLP (*Interjections*) in the space of four years! (*Interjections*) That must be some kind of record, Mr
Speaker.

Mr Speaker: Order. Order. Is there a question there?

235 **Hon. D A Feetham:** Yes, Mr Speaker. Is he refusing to answer the question, then?

Hon. J J Bossano: No, Mr Speaker, I am not answering the question. I am disagreeing with the premise
upon which the question is based and the premise is that I promise things that he attributes to me, which are
his interpretation of what I promised and that he is claiming I am going to fail, which is *his* interpretation of
what *his* wishful thinking is.

240 He wishes that there should be 1,300 people unemployed, so that he can say, 'You have been betrayed by
Joe Bossano and unemployment has not gone down.' (*Interjection*) That is what he wants because if that is
not what happens, then it will not be a monumental U-turn and everybody will have a job.

245 **Hon. P R Caruana:** No, Mr Speaker.

Will the hon. Member acknowledge the possibility that that is not the position of the Opposition? Of
course, the position of the Opposition is that we think that we should be over there and they should be back
over here – and we look forward to bringing that about in four years' time, but not at the expense of
unemployed people and certainly not at the expense of Gibraltar, as we have tried to make clear already.

250 Does the hon. Member acknowledge that it would be legitimate for the Opposition to press and question
the hon. Member opposite on the detail, as it emerges, of his Job Strategy Scheme, not because we hope it
fails or because we have no sympathy for the people that may benefit from it – and, therefore, we would
prefer that they were unemployed – not for any of those reasons, but simply because it would be legitimate for
us to compare how what he *actually* delivers compares to what he *promised* before the Election, which we
think was the Election promise that probably got them sitting on that side of the House, as opposed to back on
this side.

255 In other words, if there is a perception out there, it is not shared only by my friend, about which he has
said all those unpleasant things, it is also the electorate out there who went into the Election on polling day
thinking, wrongly apparently, that there was some promise by the GSLP to guarantee every unemployed
Gibraltar belonger employment, and all we are doing... and we think it is not illegitimate... and would he
260 agree that it would not be an illegitimate exercise for us to seek to hold up what he *actually* does against that
perception? Of course, the hon. Member would be free to say, 'Well, that is a *wrong* perception', but it would
not be a wrong perception only held, I have to tell him, by the Hon. Mr Feetham.

265 That is what we are doing. We are not hoping he fails. We are hoping he succeeds. We want to know what
the cost is of that success. (*Interjection*)

Hon. J J Bossano: [*Inaudible*] ...Mr Speaker, there is a difference in the way that is expressed by the
hon. Member opposite and the hon. Member sitting beside him, because it is one thing to say, as he said at the
last meeting, that they are sceptical and they are not as optimistic as I am about what will be achieved and
another thing to say that I deliberately conned everybody in Gibraltar and that I never had any intentions of
270 doing it. That this is a disgrace. That it is a monumental error. That, first, I am going to ruin Gibraltar, and,

secondly, that it is not worth the paper that it is written on.

If you say all those things, it seems to me that you are doing your damndest to undermine confidence in –

275 **Hon. P R Caruana:** No, it was to –

Hon. J J Bossano: - the thing and make sure that it does not happen.

But I have to tell the hon. Member that if he wants to say it is reasonable and legitimate to see how we are doing, well, look, you see how I am doing, but I am telling you it is a fortnight since it started.

280 You are asking me to tell you how many employers have said they will sign it and I have told you that we will see how many actually deliver. You can then ask me a month later, how many of those delivered have actually given employment. You can then ask me how many people have been sacked. But if you are saying, at the beginning, it is clear from what has happened so far that it is all going to fail, then certainly the perception that you create with me, Mr Speaker, is that you want it to fail.

285 **Hon. P R Caruana:** No, Mr Speaker, there are two areas of questioning and they are distinct and the hon. Member systematically conflicts them. There are questions that go to the scepticism. In other words, do we think that this is a properly thought out process... policy? What are the loopholes? Will the employers comply with it? Will it have the effect that the hon. Member hopes that it has? All those are questions that go to the scepticism about it and, in that area, he is certainly in a position where he can make us eat our words in a year's time, as he says.

290 Then there is a second category of questions, would he not accept, that, say, never mind the prospects of success of what you are now doing... independently of its prospects of success or of our scepticism, is what you are doing *actually* what you led people to believe before the Election you would be doing? Those are wholly different things which have nothing to do with prospects of success, scepticism, asking for... It is simply holding the hon. Member to account to see the extent to which the policies that he is deploying and unfolding *actually* deliver what they promised the electorate, or what the electorate understood by their words to be promised, and that is a wholly different area of questioning.

295 Would he accept that that distinction exists and that one question does not necessarily ask for both things?

300 **Hon. J J Bossano:** No, because presumably, Mr Speaker, if in a year's time we have reduced by half the unemployment, the hon. Member will say, 'Well, yes, but you still have not done what you said in the manifesto.'

305 **Hon. P R Caruana:** Yes, I could do that. Yes, that –

Hon. J J Bossano: Yes, so –

Hon. P R Caruana: I beg your pardon.

310 There are people out there, Mr Speaker, who may have voted for him, believing that they were promising unemployed Gibraltarians... well, Gibraltar belongs – I do not think they ever used the word 'Gibraltarian' – residents of Gibraltar employed in Government-owned companies. The fact that he may do things that are positive in bringing down unemployment is laudable, but it does *not* amount to a delivery on the promise that people *thought*, rightly or wrongly, that they were making and on which basis they may have been persuaded to vote for them. They are wholly different issues.

315 **Hon. J J Bossano:** They may be wholly different issues, but that is entirely in the field of imagination and speculation unless we hold an opinion poll and say, 'How many of the people who voted, voted because they thought everybody was going to be put in the public sector?'

320 I do not believe everybody who voted for us voted because they thought we were going to put everybody in the public sector. What they thought was that the thing that I have been saying for 15 years, when the hon. Member used to tell me that he was rejoicing that the inflow of frontier workers was going to be stopped, and it has been stopped, and because it has been stopped there is now less competition and more opportunities. Because we are involved in providing more funding than ever before and organising the training on a level that has never been organised before, because it is not just a question of *parking* somebody somewhere for

325 400 quid a month, we believe this is an *improvement* on what there was there and that it will deliver the

330 results and, consequently, when the results are delivered, they can spend the next three years after that saying, 'It is not what you promised.' But I can promise him that all the people who will be working and getting decent jobs, instead of being on the dole, will not be worried about whether the perception was the right perception or the wrong perception. They will be glad to be working.

335 **Hon. P R Caruana:** So do I correctly understand his answer to me that anyone out there listening, or reading us in print, who thought that the Members opposite at Election time were offering them a guarantee of employment in a Government company misunderstood what was being said to them and that, in fact, they were not told anything of the sort?

Hon. J J Bossano: What they were told was that they would be employed in a Government company to be trained and be given a job at the end –

340 **Hon. P R Caruana:** By whom?

345 **Hon. J J Bossano:** By the employer, whoever the employer was, or did the hon. Member think that I was saying we are going to employ 20,000 Gibraltarians in the Government because, if I had been saying that, then the figure would not have been the £11 million, it would have been £21 million? The £11 million was the figure that they came up with because they knew that there were 1,100 out of work, otherwise it would not have been £11 million, it would have been £4½ million, if that was really 450...

Hon. P R Caruana: Yes, unemployed in Gibraltar. It was 1,000 you were saying –

350 **Hon. J J Bossano:** Yes, 1,000 unemployed, so it is not 2%.

Hon. P R Caruana: No-one is suggesting that –

355 **Hon. J J Bossano:** Mr Speaker, the hon. Member has, in fact, consistently in the House, in Budget, in the media, in Government pamphlets and in the Election campaign, talked about 2% unemployment. A totally fictitious figure because it is 2% unemployment by including all the frontier workers in the workforce and, of course, the more frontier workers that are put in, the lower the percentage. But the frontier workers disappear when they become unemployed, so they never become unemployed.

360 The size of the workforce against which the percentage is calculated means that, if he decides to do the terminal, the tunnel, the generating station and 20 other projects and we import half of Andalucía, then we go from 2% to 0.2%, but there are still the same number of Gibraltarians out of work and residents out of work. So when we were addressing the issue of the unemployment, we were addressing on the basis that we would ensure the priority of employment? Certainly, for a start, in the Government. Certainly, in Government agencies, the priority of employment will be for residents.

365 All this business of bringing people in from outside while our people cannot compete with them and are on the dole is finished... and then ensuring that no employer in Gibraltar would have a way out by saying, 'Well, look, the problem is that the people who come out of the training centre are no good at construction work', or 'the people that come out of the universities have no experience.' Well, look, if nobody ever gives them an opportunity to be in a work environment, to pay them and to place them somewhere, the experience will never come.

370 You have a situation where the previous Government, Mr Speaker, has been recruiting people for the Care Agency and when the vacancies have come to me in the employment... the first time I saw them it said you either had to have five GCEs with one O level if you are a local, or a piece of paper that says you worked in an elderly people's home. Well, look, you can never have a piece of paper that says that, unless you work in the one elderly people's home that there is in Gibraltar, but in Andalucía there are 200, and if I did not work in any of the 200, it does not take too many euros to get that piece of paper.

375 So what do our people do? The answer is now we say 'no, no'. The Care Agency will have somebody placed with them whom we will train and then they have no excuse. I believe the strategy may not be perfect, it may need things that come up that are not working well which will need to be put right, but I can tell the hon. Member that my commitment to make this work is total and I normally do not give up that easily, as
380 Members may have noticed. (*Laughter*)

Hon. D A Feetham: Yes, so we have established, then, that ‘a guaranteed full-time job on completion’ – which are the words used in the manifesto – is a guaranteed full-time job in a private company in the private sector.

385 Will the hon. Gentleman commit... or will he answer this: what happens if any of these people are not taken on by that company? Are they kept in perpetual training until another company comes along? What happens if a company does not employ that individual?

Hon. J J Bossano: Mr Speaker, the scheme has been going for two weeks. The hon. Member is asking me, *deliberately*, questions that they have already asked.

390 In the previous questions, before lunch, I was asked what happens if the employer sends the guy back, and I said we take him back in the company and we place him somewhere else and we train him, and we keep on training him because the training is *for the job*. The training is not made before and then you hope somebody will find a job for the person with the skills that *you* have decided to provide. The skills will be the skills for which there is a demand in the market, and therefore the training will be provided so that those skills, in the public or in the private, will be there, so that there is *no excuse* for those who want to discriminate against our own people to continue to do so, and those that genuinely would like to employ our people but say our people are not sufficiently prepared will be given all the help they need by the Government to make sure that we overcome that obstacle.

395
400 The purpose of the exercise is to *succeed*. The hon. Member keeps asking me questions: what will you do if it fails? Well, I do not intend that it should fail.

Hon. D A Feetham: No, I am not suggesting... The hon. Gentleman keeps on going on that I have a desire to see the scheme fail. Absolutely not, but I am entitled to ask questions eliciting information from the Government as to whether the scheme has been properly thought out or not. That is the reality of the situation.

405 The hon. Gentleman may not like it when he is questioned. I know that he has never liked it particularly when anybody questions his authority, let alone any questions here in the House, but I am sorry, he is going to have to get used to the fact that, over the next four years, I am going to be asking plenty of questions in relation to this.

410 So can the hon. Gentleman confirm that the Government have actually thought this through in terms of what happens if somebody is not taken on by a company?

Hon. J J Bossano: Mr Speaker, it is not the Government’s obligation to tell the hon. Member what we have thought through or not thought through, because we are not here to answer to him for what we are going to be doing tomorrow or the day after, or in a month’s time, all of which is hypothetical.

415 He is putting up a series of problems that may or may not occur, and asking me how will I solve them if they do. Well, *if* they do – and I do not think they will, but if they do – I will solve them, and therefore the problems will not arise. I am not prepared to answer his hypothetical questions about future problems that may be encountered by something that has been in existence for a fortnight and where, as yet, not one single person is in beyond the original 30 days. I do not think that is something that he has got a right to ask. He can ask it, but he is not going to get the questions answered in the way *he* wants them answered. He will get the answers that *I* want to give him. Just like I cannot stop him phrasing a question the way he wants, he is not going to tell me how I am going to phrase the answers.

425 **Mr Speaker:** I think the Member must accept that this is (*Interjection*) about as far as we are going to get with this line of question.

Hon. D A Feetham: No, absolutely. I am not going to get any further with this. The hon. Gentleman has not answered the question and that is...

430 **Mr Speaker:** He did answer it.

Hon. D A Feetham: What can I do?

435 Will the hon. Gentleman, at the very least, consider this as a constructive suggestion from, certainly, this side of the House (*Laughter*). Will he go back and look at that contract and consider, in fact, adding some particular clause to the contract that at least compels the employer to actually retain the employee for a period

of time before the repayment clause actually kicks in, because at the moment it is my interpretation, in relation to that contract that, if the employer were to sack the employee a week afterwards, they would not have to repay anything to the Government, and that seems to me to just be a circumventing of the intention of the scheme, as the hon. Gentleman has explained to this House.

440

Hon. J J Bossano: Assuming that he is making a constructive suggestion – which requires an exercise of belief on my part which is difficult to deliver... Assuming that he is doing that, I will consider it but, of course, I have to remind him that he thought initially that this was too onerous already. So if he is suggesting that I should toughen up the conditions, I will look at it.

445

**GDC employees appointed to Civil Service
Outside ring-fencing arrangements**

450

Clerk: Question 142, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether any GDC employees or former GDC employees who were appointed to the Civil Service have been appointed to posts where the function or activity was undertaken by a Civil Service employee prior to the appointment of GDC employees to the Civil Service, and therefore outside the ring-fencing arrangements applicable to former GDC employees prior to 8th December 2011?

455

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

460

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

465

**Registered unemployed on 31st January 2012
Breakdown by number of months**

Clerk: Question 143, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state how many people were registered unemployed on 31st January 2012 between (a) 0-3 months; (b) 3-6 months (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

470

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

475

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, the number of people who were registered unemployed on 31st January 2012 who had been registered between nought and three months was 458.

Of the 458, 189 had been out of work for over three months and, therefore, in respect of all the numbers that I am giving him, the time register is, in fact, less than the time out of work because people do not register immediately they become unemployed. Three to six months registered is 123; 6-12 months is 57; 12-24 months is 32; and over 24 months is 35.

480

Hon. D A Feetham: So, effectively, there are 35 people who have been registered unemployed for over two years – correct?

485

Hon. J J Bossano: It is correct that they are registered for over two years and they may have been unemployed even longer than over two years.

490

Hon. D A Feetham: Does he not accept that, in relation to these people who are unemployed for longer

495 than two years... in fact, others that may be long-term unemployed for longer, for example, than a year... that, in relation to those, the Government obviously faces particular challenges in terms of getting them back into employment and that, in relation to, for example, the Future Job Strategy and the getting of employers to guarantee places of employment for those individuals... that there are particular challenges in relation to those, and can the hon. Gentleman explain to this House how he is thinking in terms of trying to meet those challenges?

500 **Hon. J J Bossano:** I do not accept that there are a group of people called ‘unemployables’, which is something that other people have previously thought of.

Hon. D A Feetham: I have not used that term.

505 **Hon. J J Bossano:** I know you have not used the term, but I am just making clear that I do not use it either.

Hon. P R Caruana: Yes, I use that term.

Hon. J J Bossano: You do.

510 **Hon. P R Caruana:** And I will continue to do so.

Hon. J J Bossano: And you will continue to do so, yes. There you are, you see: division on the Opposition back benches!

515 I think it is true that employers will be more reluctant to take on people the longer they have been out of work. That is a fact of life. Nevertheless, the position is that, clearly, it will be that it will be easier to deal with those who have been most recently employed – we hope, and that is the usual... Some people, frankly, get re-employed within three months with no help from the Employment Service. They just lose their job and they find another job and they do it on their own, and by the time that we learn of the termination of the vacancy in the ETB, it has already been filled because somebody else has moved from one job to the other. 520 There is that level of movement which, in fact, *exceeds* the movement that has been going through the ETB itself. But as we reduce the numbers that are more easily placed, we will be able to concentrate more resources on those that are the more difficult cases.

525 I would imagine that, since there are something like 250 on Social Assistance who have to register as unemployed, many of those who have been in long-term unemployment, for over a year or 18 months, in the category of Social Assistance, some of them may not be in a position, for a variety of physical or other reasons, to take on heavy work or to work in the construction industry, but we will... The smaller the problem gets, the more time, attention and resources we will be able to devote to solving it. That will be the strategy.

530 **Hon. D A Feetham:** Yes, I note that, in fact, some of his storm troopers are misrepresenting the statements that I have made in various letters to the *Chronicle*, and I do not... So I am going to be careful with the language that I use, lest the hon. Gentleman gets them to continue misrepresenting my position.

535 But does he not agree that, within that group of long-term unemployed, there are various reasons for those people being unemployed? Some of them, for example, may be unemployed because they have come out of prison, and I saw a lot of those people when I was Minister for Justice. Others, for example, may be, as the hon. Gentleman has outlined in his previous answer, people who are in receipt of Social Assistance. The way that certainly *we* would have dealt with... One of the ways we were going to be dealing with these people was... One was introducing, for example, rehabilitation, which we did in the Crimes Bill – rehabilitation of offenders legislation, preventing employers from referring and asking about the criminal convictions of particular individuals – and in relation to, for example, people who are long-term on the Social Assistance list, 540 asking those people to enter into a Jobseeker’s Agreement, whereby they are actually paid more but there is an undertaking from that person that they are seeking employment.

545 I outline that because my question is this: what *specific* measures is the hon. Gentleman proposing to take, other than ‘Well, we’ll have to concentrate on these people’? What specific measures does he have in mind in order to deal with these people?

550 **Hon. J J Bossano:** ‘These people’, as he puts it, are just ordinary Gibraltarians, the same as *us people*, and therefore they will be dealt with the same as we are dealing with everybody else. They will have the same opportunity. It is just that more time, money and attention will be paid to them. But if the hon. Member says that he has had all these policies in the past, before 8th October – and we are talking about people who have been out for six months, nine months, a year, a year and a half, and two years – then it must be obvious that they were all there on 8th December and that all the Jobseeker’s Allowances and all the rehabilitation that he was doing was not working; otherwise, they would not be there.

555 **Hon. J J Netto:** Mr Speaker, if I may, I quite distinctly remember, in our first term of office, in the GSD, when I was Employment Minister, that one of the particular issues that we did in order to provide as much support as possible to long-term unemployed – meaning more than 12 months – was to look specifically where those particular individuals were not actually succeeding in order to get employment. What we did find out was some of them – not all of them – had numeracy problems, literacy problems, lack of confidence in interviews. So this is the reason why we created the Job Club: in order to have counsellors specifically providing them with those particular skills to be able to offer themselves better to an employer at an interview, on the one hand; and, on the other hand, I remember and recall that we used to give allowances – not allowances, bonuses – to employers for a particular period of time in order to maximise the uptake of long-term unemployed.

560
565 I know it is a difficult thing to get long-term unemployed persons back into work, but I think that the question that my colleague is asking is a reasonable one. I think what we are trying to get at is that, presumably, those facilities are still there but, in the context of the audit of skills that the hon. Gentleman has alluded to in the past, will take into account what more extra resources, support may be given to those long-term unemployed. So can the Hon. Minister, actually, in the context of the skills audit he has mentioned, see whether there is the possibility to grow that particular service within the Employment Service?

570
575 **Hon. J J Bossano:** Well, nothing has been terminated that was there already. Whatever help was being given and whatever incentives were being given, frankly I am not... I do not really know what they are. But, presumably, they are still there because nobody has said that they should stop. What I am saying is, in fact, that in the new approach that we are adopting, the fact that you have been a long time out of work, or the fact that you may have a particular problem, is not something that excludes you from the system that we have got in place but, in fact, as the numbers that we are dealing with start declining, more time and attention will be devoted to the more intractable and difficult cases.

580 What you cannot do, in my judgement, is to say to somebody who became unemployed three months ago, ‘You are not a priority because somebody was there two years ago and we will do the other one first,’ when we know that it is going to be easier to place the one who has just come out of work. Therefore, the resources that will come back to us will come back to us quicker because the other person will be given a job in the placement sooner and we might have to support somebody with long-term unemployment for longer before they are given the opportunity of staying there permanently.

585 But there are people already who have had these kind of problems and, in the past, have been placed and they have actually managed to adjust and are now in a normal working environment. There is no reason why that should not happen in the future.

590 **Hon. D A Feetham:** I hope I am not being unkind to the hon. Gentleman, but it appears to me –

Hon. J J Bossano: Heaven forbid!

Hon. D A Feetham: I want you to answer the question.

595 Of course, we accept that the fact you are a long-term unemployed does not exclude you from your entitlement for somebody to help you and to try and find a job for you, or for you to find a job. Of course. What we have asked is what measures have the Government actually taken in order to deal with these particular individuals, particularly also in the light of the Future Job Strategy, where the Government is guaranteeing anybody a job in the private sector. That is the question that we have asked, and that is the one that the hon. Gentleman appears to be refusing to answer.

600 Perhaps he can answer this: will the hon. Gentleman at least press the Minister for Justice, for example, as quickly as possible to introduce or to commence the rehabilitation of offenders parts of the Crimes Bill?

Hon. G H Licudi: Mr Speaker, a notice in relation to the rehabilitation of offenders will be published tomorrow.

605 **Hon. D A Feetham:** Well, thank you – the first straight answer we have received today!

Hon. J J Bossano: I am not going to press the Minister for Justice, in answer to his question. (*Laughter*)

610 **Hon. P R Caruana:** Mr Speaker, does the hon. Member accept that... I would accept that there are... I agree with one of the last things that he said, namely that there are many people who can be helped back into the work ethic and a job environment and that those people are worthy recipients of additional help, additional funding etc. Indeed, that was our experience with the Gibraltar Community Projects Company – that some of the people who were there, supposedly because they could not get into the work ethic etc, actually, over the years, working in an increasingly normal working environment, *did* progress to the ability to join what we might call the mainstream labour force.

615 But when all those people have been helped, there will always be a residual group of people who are the ones that I call the ‘unemployables’ who, for one reason or another will not submit, will not succumb to the assistance that policies such as he has outlined are designed to help them. They will always be a problem. There will always be a core of people who will never be attractive to an employer, even as a trustee – not a trustee, either as a trainee – or as a permanent employee, and these are not the people that the hon. Member’s policy is designed to shoehorn into permanent public sector employment, through this company, presumably.

620 So the question is: does he acknowledge that there would always be, in any society, a group of people who, for one reason or another, will not, cannot, be helped into finding employment, and what does he have in mind for those? Presumably to continue to deal with them as they have been dealt with in the past – supported by social... but not shoehorned into the public sector through a Government company, presumably.

625 **Hon. J J Bossano:** At the moment, there is nothing specifically designed for the group that he has defined, but if we look at the figures here... If we assume that the intractable are those that are registered as seeking employment over one year, we are talking about 67 people. If we can bring the level of unemployment down to 67, we will be doing well.

630

**Registered unemployed since 11th December 2011
Number of job vacancies filled**

635

Clerk: Question 144, the Hon. D A Feetham.

640 **Hon. D A Feetham:** Can the Minister for Employment state how many job vacancies have been filled since 11th December 2011, and how many of those vacancies have been filled by people who were registered as unemployed between (a) 0-3 months; (b) 3-6 months; (c) 6-12 months; (d) 12-24 months; and (e) above 24 months?

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

645 **The Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the number of job vacancies that have been filled since 11th December 2011 is 959. Of those vacancies, the number filled by people who were registered as unemployed between 0-3 months is 62; 3-6 months is 16; 6-12 months, 3; 12-24 months, 1; and over 24 months, 1.

650 This, in fact, demonstrates the point that I made earlier, that something like 90% or more of the jobs that have been filled have not been filled from the people who were registered as unemployed.

655 **Hon. D A Feetham:** Does it not illustrate the point that I was trying to make, which is that, of course, the people who are on the long-term unemployment list clearly need additional measures targeted at them; and my question about what measures were the Government intending to take in order to help those individuals – has it not established that as well?

Hon. J J Bossano: Mr Speaker, what we have established is, for example, that of the 36 that there were unemployed over two years, one was employed and there are now 35, and that of the 60 that were unemployed between six and 12 months, three became employed and 57 still remain. So, in fact, the ratio under one year and the ratio above two years is no different.

660

I think what needs to be addressed is the fact that, in the period since the 11th, we are talking about 959 people getting work, and out of those only 83 were people who were registered in the Employment Service looking for work. That is the first issue that needs to be tackled because, independent of whether you have been out of work for three months or out of work for two years, if the jobs that arrive in the Employment Service are jobs that have already been given to somebody, then there is no chance of finding you a job.

665

The Employment Service, in fact, is taking a tough line with both public and private sector employers that the requirement that there is – that the vacancies have got to be open before they are filled – is there for a reason, and the lack of confidence that there is amongst unemployed people in the work that the Employment Service does is due to the fact that, when they get there, there are always cards with jobs, and when they go to the places where the jobs are supposed to exist, in 90% of the cases the jobs do not exist at all – they have already been filled.

670

Employers have had this practice, which now is almost cured but not entirely cured, that, for example, in January, what they used to call, apparently, the passing-through rate, was something like 80%, which meant that out of every 10 jobs, eight did not exist because a person had already been interviewed, a person had already been given a job and then the employer was sending the contract and the vacancy.

675

Clearly, if we are concerned about the guy with two years, then we have to have work sufficient available to us to be able to find him work, and at the moment that is a first priority, that the relationship that I have given him today of only 83 jobs out of 959 being filled from the unemployed will be a relationship that we will see changing. Unless and until we make inroads in the statistics, we will not really be able to help the long-term unemployed, whatever we do.

680

Housing Works Agency No requirement for CEO

685

Clerk: Question 145, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment state whether it was *his* decision to sack John Cabezutto as CEO of Housing?

690

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

The Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, Mr Cabezutto has not been 'sacked' from the post of CEO. The post was abolished by the board of the Agency after it was established that there was no requirement for it. Mr Cabezutto, therefore, automatically reverted to his previous employment as Deputy Manager of the Construction Training Centre in the Ministry of Employment and is still employed there.

695

Hon. P R Caruana: Well, Mr Speaker, since the board of the Agency decided to place that post in the hands of Mr Cabezutto and then a subsequent board of the Agency decided to abolish the post, and the only difference between the first and the second board is the fact that one was chaired by a Minister in the GSD Government and the other was chaired by a Minister in the new Government, is it reasonable to surmise that the decision to abolish the post reflects the views of the political member of the board and not the others?

700

Hon. J J Bossano: If we accept that the appointment of Mr Cabezutto reflected the political opinion of the hon. Member opposite, who was the one who had been calling at his office every morning... When we took over –

705

Hon. P R Caruana: That was a sin, was it?

710

715 **Hon. J J Bossano:** No, but Mr Speaker, Mr Cabezutto used to report to the Chief Minister at the time every morning, and after 8th December he still kept turning up there, like a ghost in the convent, wandering through the corridor, looking for my colleague's predecessor, who was not there any more to give him instructions. Therefore, when we finally pinned him down and asked him what he was doing there, he said, 'Well, this is what I used to do before.'

720 When the board was convened the first time it was convened on 14th October under the chairmanship of Mr Vinet, and it took the decision to create the post of CEO and to give the job to Mr Cabezutto – which had not been advertised or trawled for qualifications required, or probation period provided, or any conditions attached to the performance of the post – to increase his pay from £30,000-odd to £65,000, and therefore to put him in charge of the Agency.

725 After the new Government was elected, the newly constituted board was asked to examine the necessity for this £65,000 job and they concluded that, really, there was no need to be spending that amount of public money and that, given the work that is being done, the number of supervisory grades that there are as a result of the early-exit package and the very reduced workforce that there is now, there was no need for two jobs at the top of the Agency. Therefore, the more expensive of the two was eliminated as the logical and rational commercial decision to take. Mr Cabezutto, therefore, was told that the post was no longer going to exist and would not have continued to exist, irrespective of who the incumbent had been, and therefore that he should now go back to where he came from and do the job that he was doing previously.

730 Therefore, he was not sacked from the Government service, he was simply reverted to his previous position before the job was given to him on 20th October.

735 **Hon. P R Caruana:** Mr Speaker, that is a very roundabout way – if somebody is employed as the Chief Executive Officer of an organisation and shortly after the General Election he is summoned by the Minister for Housing and told that his services are no longer required, would he go back to his previous job in another organisation that, by any other name, is to be dismissed from your post. Is the hon. Member saying, in fact, that what they think they have done is abolish the post of CEO?

740 **Hon. J J Bossano:** No, it is not what we think we have done, the post of CEO *has* been abolished by the board that created the post on 14th October and I have to tell the hon. Member that the fact that on the eve of the Election directors and CEOs were appearing all over the place does not mean that we are stuck with them for the rest of the four years.

745 We have a right, Mr Speaker, to look as we come in and decide whether the job that is being done is a job that we continue to want to be done at public expense, or we do not. Mr Cabezutto was told that he would go back to the job that he had before and he could continue working there and, therefore, he has not been sacked. Sacking somebody is putting him on the dole and telling him to go to the ETB and sign on.

750 **Hon. P R Caruana:** Mr Speaker, that is a rather simplistic view of the law of employment related to constructive dismissal, but anyway, Mr Speaker, doesn't the hon. Member understand that the 'board', as he calls it, is not at liberty to abolish the post of CEO? The Housing Works Agency is a creature of statute. It was created by the Housing Works Agency Act passed in this Parliament. That Act *requires* that there should be a post of CEO, it is mandatory, it is established so by Act of Parliament. The board, that is itself, a creature of that same Act, is simply *not at liberty* to decide to abolish a post which a statute has created and says is mandatory.

755 Therefore, Mr Speaker, I think the hon. Member can expect some of the litigation that they thought they would avoid on this particular change of Government by their own admission, they have purported to abolish a post which they *cannot in law* abolish and therefore what they have done is not abolish the post, what they have done is sack the incumbent of that post, because the post itself cannot in law be abolished by them, unless they bring legislation to this House to amend the Housing Works Agency Act.

760 **Hon. C A Bruzon:** Mr Speaker, just for the sake of clarification, may I remind the House that the word used was not 'abolished', it was discontinued.

Hon. P R Caruana: It was not. It was 'abolished' and it is in *Hansard*.

765 **Hon. C A Bruzon:** It was discontinued. I was Chairman of the board and that is the word that I used and

that is the word that was used: ‘discontinued’ not ‘abolished’. For the sake of accuracy.

770 **Hon. P R Caruana:** I did not think that I would live to see the day when I would see the Hon. Mr Bruzon to rise in this House to protect the back of the Hon. Mr Bossano but, still, I have given the Hon. Minister for Employment two opportunities to confirm whether or not he has abolished the post and he has taken great relish in confirming – and it is there in *Hansard* that what they have done is abolish the post, because the board considered that it was no longer required.

775 I am telling him now that that decision is unlawful and *ultra vires* the board, who have no power to abolish the post, because it is a post created by law and not a post created by the board.

Hon. J J Bossano: Mr Speaker, if it is *ultra vires* and they do not have the power to do it, then clearly the post has not been abolished, according to his understanding of the law.

780 Therefore, the decision of the board has been to inform the occupant that the post was no longer required and even if it remains there empty, it is not going to be filled. If the hon. Member says that the board does not have the right to keep the post empty, then it did not have the right to fill it on 20th October and the way that it filled it was, effectively, that they did what they were told by him and they put the person that they were told by him to do. That is clearly known to everybody there, from the guy that is working in the yard to the guy that has got the no. 2 job in the organisation. That is why this supposed CEO, when ??? to receive his marching orders from the Leader of the Opposition when he was in Government. That methodology of running the Agency has been changed, following the Election, and therefore the position is that if Mr Cabezutto believes that the board is not entitled to tell him we do not want to continue employing you as CEO and you can now go back, then, of course, if he feels that he has got a case, he can pursue the case, as he is entitled to do, as a resident, in fact, the first thing he did, when he was told, I understand, was to say to everybody that he was going to take legal advice and probably he went to the Member opposite for the legal advice.

785 **Hon. P R Caruana:** Does the hon. Member not accept that this is not about the changing methodologies of the management of the board? The hon. Members opposite are perfectly entitled, if they want to, to procure that the board of the Agency should dispense with the services of Mr Cabezutto, or any other employee, despite the promise not to cut any heads in the Election.

790 Does he not understand that is what it would be, because this *guise*, this sort of dressing they have put on it, of an abolition of post is not open to them because they cannot abolish the post? Because they cannot in law abolish the post, the only way of dispensing with Mr Cabezutto, is to do what, in fact, they have done to him, is to *sack him*, because his employer, which was the Agency, has dispensed with his services, *other than* by means of abolishing the post because it cannot in law have abolished the post?

800 This is not about dispensing with his services. Look, the board can employ somebody and then sack them, as long as they understand that ‘sack them’ is what they have done and that has legal consequences. The behaviour of the hon. Members opposite now is not comparable to the previous Government’s. An Act was passed in this House which required the Agency to appoint a Chief Executive Officer and that power is vested in the board. The board met and duly appointed a Chief Executive Officer. That Chief Executive Officer was confirmed in his post in writing; the terms of his appointment were confirmed in writing.

805 Along come the hon. Members opposite, immediately after the General Election, and say to him that he is not acceptable. Mr Speaker, does the hon. Member accept – if he wants a question – given that the Agency requires by law to have a Chief Executive Officer, their objective of dispensing with the office of Chief Executive, because they think it is not necessary, cannot be achieved effectively or lawfully, until they have changed that Act of Parliament so that the law no longer requires the Agency to have a Chief Executive Officer? Does he accept that?

810 **Hon. Chief Minister:** Mr Speaker, I want to say two things.

815 The first is that nobody’s head has been cut off since this Government came and was sworn in on 9th December. Nobody’s head will be cut off, quite unlike the position in 1996 when the hon. Gentleman was sworn in as Chief Minister, when a number of heads *were* cut off and a number of cases were brought against his Government successfully by those whose heads were improperly cut off, to use the figurative term.

820 **Hon. P R Caruana:** Whose were cut off?

Hon. Chief Minister: Secondly, Mr Speaker, given that the hon. Gentleman has more or less indicated that legal proceedings will be commencing as a result of the matters which we are discussing, I do not believe it is appropriate for Government to continue to discuss these issues. We will await the service of legal proceedings and we will defend those legal proceedings, based on whatever advice we receive.

825

Hon. P R Caruana: Whilst he awaits those legal proceedings – and whilst I accept it is not appropriate to discuss legal proceedings that are afoot, not that these are, does the hon. Member agree that, if there is an Act of Parliament that requires the Agency to have a CEO, having dispensed with the incumbent CEO, they must, in order to comply with the law, now appoint a new one, because the Agency... the Act requires there to be a CEO?

830

Hon. Chief Minister: Mr Speaker, I am neither going to accept nor not accept any issue that the hon. Gentleman raises in respect of *this* matter, given that he has already said and more or less given notice that this is going to be the subject of litigation. It would not be prudent for the Government to put arguments *here* in respect of those issues, which we are being told may be the subject of legal proceedings. (*Interjections*)

835

Mr Speaker: The Hon. the Minister for Health wishes to say something.

Hon. Dr J E Cortes: Mr Speaker, I think as a point of information, since we are speaking on posts not filled, I think I would like to bring to the notice of the House, that the Gibraltar Health Authority Act requires three posts which have not been filled, probably for over a decade, and there was no Act of Parliament changing that requirement. (*Applause*)

840

Mr Speaker: Hon. Daniel Feetham.

845

Hon. D A Feetham: Can the... I do not think the hon. Gentleman answered my question. Was it his decision to sack Mr Cabezutto or was it a cabinet decision? Was it a collective beheading of Mr Cabezutto, or did he wield the axe himself?

850

Hon. Chief Minister: Mr Speaker, there have been no beheadings of *anyone*, despite the fact that if the hon. Gentleman cared to look at what happened in 1996, he would have understood that the Government that beheaded people simply because they believed that they did not share their political opinions is the Government represented by the party with which he sits.

855

Hon. P R Caruana: Who was beheaded in 1996?

Hon. Chief Minister: We are standing on the answers I have given already. We will not give any further answers in respect of these issues. There will not be any further answers provided, given that the hon. Gentleman has said that legal proceedings are to be expected in respect of this matter, so any matters can be ventilated in the appropriate forum, which will be such tribunal as whoever it is that is going to sue whoever it is that they are going to sue decides to sue it.

860

Hon. P R Caruana: If the Hon. the Chief Minister is so laudably... first of all I do not accept that the GSD Government beheaded anybody, but never mind, I am not here to answer his questions.

865

Mr Speaker, if the Hon. the Chief Minister is laudably committed to a policy of not beheading anybody and respecting everybody's rights, regardless of what their political colours might be, will he be instructing the Hon. the Minister for Employment to respect the right of the ex-GSD Minister, Luis Montiel to return (**Members:** Hear, hear.) to his previous post, as his terms of parliamentary appointment entitle him to, to return to his previous post in the Employment Service under the ministerialship of the Hon. the Minister for Employment? Will he be *ensuring* that that takes place?

870

Mr Speaker: I am not sure that is a proper question, with respect. We are talking specifically about Mr Cabezutto.

875

Hon. P R Caruana: No, we are talking about cutting off heads.

Mr Speaker: No, we are talking about Mr Cabezutto and now I do not think it is open for the hon. Member to start bringing other individuals into this line of questioning.

880 **Hon. P R Caruana:** The Chief Minister seems perfectly content to answer the question.

Hon. Chief Minister: I am perfectly content to stick to your ruling, Mr Speaker.

885

**Government agency, authority or company
Vacancies since 8th December 2011 filled without being advertised**

Clerk: Question 146, the Hon. D A Feetham.

890

Hon. D A Feetham: Can the Minister for Employment state whether there have been any job vacancies since 8th December 2011, in any Government agency, authority, or company, filled by any individual without any vacancy having been advertised, and, if so, will the Minister please provide details?

895

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, all vacancies in any Government agency, authority or company must be notified to and filled through the Employment Service.

900

Hon. D A Feetham: I take it the answer is no?

Hon. J J Bossano: The vacancies are... just like the private sector, the public sector is required to open vacancies in the Employment Service 14 days before they are filled. As far as I am aware, there have not been any filled in that period, but that is how it would be done, not by advertising.

905

Hon. D A Feetham: I see, so the answer is there have not been any job vacancies that have arisen, hence they have not been advertised? Is that the position?

910

Hon. J J Bossano: Yes.

HEALTH AND THE ENVIRONMENT

915

**Green tax measures
Government commitment and programme**

Clerk: Question 147, the Hon. S M Figueras.

920

Hon. S M Figueras: Can the Minister with responsibility for the Environment confirm whether the Government is committed to green tax measures and, if so, is the Minister able to provide a list of those measures currently identified by Government for implementation in addition to those already in existence?

925

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Government remains committed to the creation of a more environmentally friendly economy for Gibraltar.

930

This may include the introduction of a comprehensive green public procurement policy which will help to expand the market for low carbon, environmentally friendly products and services. We are also actively investigating ways of encouraging and promoting energy efficiency within buildings and transport. However,

we have not yet finalised any measures and, consequently, I am unable to provide a definitive list.

Green tax measures will form part of a more comprehensive package of measures designed to achieve this. Any announcement of any 'tax measure' will, of course, be made in the debate on the Appropriation Bill.

935

Hon. S M Figueras: Mr Speaker, is the Minister able to give us an indication of the kind of tax measures the Government is considering for implementation at this stage?

940

Hon. Dr. J E Cortes: Not yet, it is a work in progress. We are working on all these areas, but I am not able to say so yet.

**Smoking ban in public places
Anticipated cost to taxpayer from tax and rate advantages**

945

Clerk: Question 148, the Hon. S M Figueras.

950

Hon. S M Figueras: Can the Minister for the Environment confirm whether the Government is committed, in line with the commitment to ban smoking in public places, to provide 'generous tax and rates advantages to amortise any potential loss' arising from the imposition of the ban and, if so, the anticipated cost to the taxpayer of this initiative?

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

955

Minister for Health and the Environment (Hon. Dr. J E Cortes): Again, the Government is considering how it is going to assist businesses in mitigating possible loss as a consequence of a ban on smoking.

960

A number of different options, ranging from rate reductions, tax breaks and reductions in utility charges are being considered and this includes consideration of calculations of the cost to the taxpayers of each of the options. These calculations are not yet available, given the policy considerations still taking place in order to design a process which is both generous and fair.

965

Hon. S M Figueras: Mr Speaker, as a commitment which will no doubt have found favour with many business owners faced with the prospect of a ban in every manifesto at the last General Election, I think it is probably legitimate to ask the Government whether it has a specific timescale in mind for the delivery of – and this is the subject of a question at a later stage – these measures?

970

Hon. Dr. J E Cortes: The question by the hon. Lady on the health aspects of the smoking ban, I think, will answer part of your question. If not, I would be happy to expand further if it does not answer that aspect.

Hon. S M Figueras: I am grateful. I had only asked for clarification of whether the commitment is for the measures to be delivered in conjunction with the ban when it happens.

975

Hon. Dr. J E Cortes: That is the intention.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain how the potential loss of business from losing clientele who smoke will be calculated? Will there be a formula?

980

Hon. Dr. J E Cortes: This is something in process at the moment. We have not yet decided what measures we are going to take, or what the formula would be. It is something that is being discussed at the moment and will form part of the programme on smoking that we will be undertaking and of which I will give a few more details in response to your question shortly.

985

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister explain if restaurants, bars and social clubs that have already gone smoke free will be able to benefit from these tax and rates advantages once they

are announced?

990 **Hon. Dr. J E Cortes:** This is an aspect we have not considered specifically, but obviously the package would have to apply to everybody who undertakes the ban, which will be a requirement of the law.
We are not going to single out those who have already done it and prejudice them against anybody else.

995 **Sewage treatment plant
Progress of plans**

Clerk: Question 149, the hon. S M Figueras.

1000 **Hon. S M Figueras:** Will the Minister with responsibility for the Environment confirm whether the Government is committed, within this term of office, to deliver a sewage treatment plant, as per their manifesto commitment? If so, by when and can he provide details of progress in its delivery, if any?

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

1005 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** It is, indeed, the Government's intention to proceed with the construction of a new sewage treatment plant to comply with Gibraltar's obligations under the Urban Wastewater Treatment Directive, and to do so as soon as we are able to, although I cannot presently give a date for the commencement of this project.

1010 The available reports and assessments are currently being considered by the Government and we are also looking into the possible procurement strategies, at the end of which process we should have a more definite timescale for the delivery of the project.

1015 **Hon. S M Figueras:** Mr Speaker, to hold the Minister to account only in respect of the detail of the manifesto commitment, could he clarify that the commitment is to deliver it within this term of office?

Hon. Dr. J E Cortes: Mr Speaker, that is the intention. Whether it is completed or not will depend on the ultimate decision, the procurement process and the time it takes, but the intention is yes.

1020 **Hon. S M Figueras:** Mr Speaker, despite the fact that the manifesto was very clear that it would be within the term of office, now the Minister is unsure whether it can be delivered in that timeframe?

1025 **Hon. Dr. J E Cortes:** I am doing nothing of the sort. What I am saying is that, in Government Office, as you will not have any experience of yourself, you will come across detailed information, which may not be in your possession when you are in Opposition, as you all have experience of at the moment. Therefore we have to take other things into consideration and timescales may be slightly different, but the intention remains the same and I will work very hard to achieve it.

Hon. S M Figueras: Mr Speaker, one final question. Is there an estimated cost for the delivery of this?

1030 **Hon. Dr. J E Cortes:** Not at this point.

Hon. S M Figueras: Thank you.

1035 **Barbary Macaque
Small-scale culling**

1040 **Clerk:** Question 150, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister with responsibility for the Environment confirm whether the Government is committed to small-scale culling for the management of numbers of the Barbary Macaque?

1045 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the Government is not going to carry out small-scale culling – bit of a tongue twister, sorry – as a means to managing the numbers of the Barbary Macaques.

1050

Hon. S M Figueras: Thank you very much for the clarification, Mr Speaker.

The question arose out of a certain inconsistency where, in the manifesto, the now Government committed to not resorting to killing the Barbary Macaque but, however, I was made aware of an article in one of the newspapers, where a quote attributed to the Minister, said they would not go for large-scale culling.

1055

I was grateful for the clarification that they will not be going for small-scale culling either.

Hon. Dr. J E Cortes: I am happy to clarify that further. At that press conference I then continued, but what I said later was not reported and I explained that what I was meaning, is that there are sometimes individual monkeys, which perhaps through an accident or some other individual condition, would have to be culled, but not that there would be small-scale culling as a population control measure, more as a direct management measure in relation to health and so on.

1060

I did explain that at the time of the press conference, but that was not picked up by the press.

1065

**Commonwealth Park
Commitment and estimated cost**

1070 **Clerk:** Question 151, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment confirm whether the Government is committed to building the Commonwealth Park, as set out in its manifesto and, if so, can it confirm the estimated cost of this project?

1075

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Government is considering the details of a number of options available for the creation of the Commonwealth Park.

1080

Given that the project will have to go out to tender, it is not appropriate to provide an estimate of cost at this stage; but the hon. Member should rest assured that any costs associated with the development will be announced publicly, once determined, and that the park will be delivered to the people of Gibraltar, as we have committed to.

I will look forward to receiving his congratulations when he is able to stroll along this beautiful green area we will create in the centre of our city. *(Applause)*

1085

Hon. S M Figueras: Mr Speaker, I will indeed – if it is delivered – stroll along it above double the number of car parking spaces currently available in the area which, to me, sounds certainly a little inconsistent with the environmental objectives of this Government.

1090

However, what I would ask is, if any geological surveys have been carried out of the area in advance of going out to tender?

Hon. Dr. J E Cortes: They will have been carried out in advance of going out to tender. We will, obviously, have to consider what the geology of the place is like.

1095

Hon. S M Figueras: I am sorry, just to clarify. I had asked whether any geological surveys have, in fact,

been carried out?

1100 **Hon. Dr. J E Cortes:** There is some information available, but no actual geological survey, to my knowledge, has been carried out yet.

Hon. S M Figueras: And, obviously, the Minister is unable to comment on the cost of the project. However, there is an element of surprise in this, in that when the manifesto at the last Election came out, there was every comfort that you knew what the manifesto was going to cost, does the Minister have an idea of the ballpark that we are talking about in relation to the Commonwealth Park?

1105 **Hon. Dr. J E Cortes:** Mr Speaker, I am not going to be drawn into giving figures when, as I said, we have to go to a tender process, because that is going to pre-empt all sorts of things.

1110 I believe that, in one of the debates before the Election, the Hon. Isobel Ellul-Hammond mentioned that it was known to the Government, because some survey had been taken out at the time. I have not been able to find such a survey, which is why I have to answer that survey, to my knowledge, is not available.

Hon. S M Figueras: Mr Speaker, (*Interjection*) the reference... I know personally of no references that my hon. colleague –

1115 **Hon. Dr J E Cortes:** I apologise for the confusion.

Hon. S M Figueras: I certainly remember that –

1120 **Hon. P R Caruana:** Mr Speaker, if I can clarify for both hon. Members, I think that what was said in the past was two things: that the Government had a costing for a similar project in the Grand Parade and therefore we had an idea what the cost was of these underground car parks. Also, here in Commonwealth Parade, you have the not inconsiderable additional difficulty of the closeness of the city walls and the foundations of the city walls and also the closeness of the water table, which would result in huge costs in pumping during construction and then permanent pumping, once the car park was built and that that rendered the project hugely expensive, which is why we said at the time of the Election that, amongst many other aspects, that project was unaffordable.

1125 Just to say, I do not think there is... at least, if there is, I never saw it in any Government file, any costing of the Commonwealth Parade, that I am aware of.

1130

**Western Beach
Resolution of sewage issue**

1135 **Clerk:** Question 152, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister for the Environment confirm whether, further to last month's confirmation that legal advice was being sought, there has been any progress with the resolution of the Western Beach sewage issue?

1140

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

1145 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Yes, Mr Speaker the Government is considering the advice received before determining what line of action to take in order to resolve the issue of sewage at Western Beach.

Hon. S M Figueras: Mr Speaker, would the Minister kindly confirm how long they expect this consideration process to take?

1150 **Hon. Dr. J E Cortes:** It is obviously a complex issue.

I will probably be considering it for a considerable amount of time, but when a decision is going to be taken – which is probably what you want to know – I would have hoped we are able to do so within a relatively short timescale, but because of the complexity of the issues, I am not able to give you a firm date.

1155 **Hon. S M Figueras:** I am appreciative of the cross-border complexity of the issue. I merely raise the point again at a subsequent meeting of Parliament because, as we know, before long the bathing season is upon us and I am certain that beachgoers will be keen to know that the matter is in hand and as soon as a timescale is available I am certain people will be very grateful to hear it.

1160 **Hon. Dr. J E Cortes:** Yes, no problem.

1165 **GHA Board**
Date and place of first public meeting

Clerk: Question 153, the Hon. Mrs I M Ellul-Hammond.

1170 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister state when the first public meeting of the GHA Board will be and where it will be held?

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

1175 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** The date for the first public meeting of the GHA Board will be set once I have completed the review of the options for access by the public. These options are being developed by GHA staff and are based upon a review of the international literature on public meetings of healthcare boards.

1180 It is intended that public meetings will be held at the John Mackintosh Hall. To add to the prepared answer, I suspect it will be some time in April.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if the minutes of these public GHA Board meetings will be made public?

1185 **Hon. Dr. J E Cortes:** Yes, certainly.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise if the Medical Advisory Committee, as part of the GHA Board, has been reformed and who are its members?

1190 **Hon. Dr. J E Cortes:** Did you say the Medical Advisory Committee?
The Medical Advisory Committee, which is a statutory requirement, has not been in operation for quite a number of years. It is currently being reconstituted by the medical practitioners and they have a statutory duty to recommend representatives on the Board. That is happening now, but the MAC have not met for quite a number of years.

1195 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, can the Minister advise if, as part of the GHA's fiscal transparency policy, they will be publishing the GHA's monthly finance report submitted by the Director of Finance to the GHA Board? Will that information be made available on the GHA's or the Government's website?

1200 **Hon. Dr J E Cortes:** I have not taken a decision on that yet.
As I say, we are looking at the way that public meetings of healthcare boards are organised in other parts of the world, and this is why we have not held a meeting yet. We have other aspects to look into as to how to conduct them. It is a fairly delicate thing, having health authority meetings in public. We have to take into account things, for example, like patient confidentiality and so on, so I am not in a position yet to undertake to do that, but certainly I will be in a position to do that very soon.

1205

**'Metal on metal' hip replacements
Gibraltar patients affected**

1210 **Clerk:** Question 154, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health report back on the investigation to assess whether any Gibraltar patients could be affected by 'metal on metal' hip replacements that could be causing systemic toxicity in the body?

1215 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

The Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA has used metal on metal implants on 13 patients over the past five years. This represents 14% of the total of hip implants performed over that period.

1220 Metal on metal implants, as opposed to metal on polyethylene or other material combinations, were designed to be long lasting and have been inserted in the relatively younger population with serious hip disease.

1225 The implant the GHA has used exclusively is the Birmingham Hip Resurfacing, manufactured by Smith & Nephew Inc. The reported excessive failure rates have been with the DePuy ASR implant, which has been taken off the market and which has *not* been used locally.

The GHA is offering consultant review appointments for each of the 13 patients in upcoming orthopaedic clinics. The primary purpose of the clinic is to reassure patients following the recent media concern. In case of existing problems, investigations will be arranged.

1230

**Norovirus at St Bernard's Hospital
Precautions put in place**

1235 **Clerk:** Question 155, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Minister for Health explain what processes were put in place when the recent norovirus outbreak was identified in St Bernard's Hospital?

1240 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

The Minister for Health and Environment (Hon. Dr J E Cortes): Mr Speaker, the GHA initiated its infection-control protocol for an outbreak as soon as the outbreak was declared by the Infection Control Officer on 20th January.

1245 These protocols, which have been in place for the past several years, are based on international standards of infection control practice. The protocols initiated were similar to those initiated in February 2011 and included segregation of infectious persons and the limitation of contact with uninfected persons beyond that deemed essential for care; universal precautions in the handling of infected materials, such as the use of aprons, gloves and suitable apparel and disposal of clinical waste in accordance with policy; regular and frequent handwashing, as well as cleaning of affected and risk-prone surfaces with recommended disinfectants; prompt disengagement of staff taken ill and restriction from return until clear of symptoms for 48 hours.

1250 However, unlike in 2011, it was not found necessary to close the wards to admissions.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then confirm that these processes that were put in place are public health clinical governance procedures and not Government policies?

1260 **Hon. Dr J E Cortes:** These procedures which were put in place are, as I said, based on international standards of infection control practice. They were controlled entirely by the professionals and there was no need or even consideration for the Minister to involve himself in any way in the work of the professionals and

impose any other kind of Government policy.

These are generally recognised infection control procedures.

1265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister tell us if the norovirus is now contained and how far it got into the community?

1270 **Hon. Dr J E Cortes:** It is quite likely that this virus is endemic in the community at particular periods of time, so you cannot really say that it will have gone into the community *from* the hospital; it will have come into the hospital from the community, so I cannot really answer the second part of the question. But as far as my statistics go, the latest that I have any incidence of a new case of norovirus in St Bernard's Hospital is 5th February.

These things can come in and out, as I say, if a virus is endemic in the community, but that particular outbreak, according to my data, finished round about that time.

1275 **Hon. Mrs I M Ellul-Hammond:** Thank you. Mr Speaker, can the Minister tell us how many wards were closed and for how long?

1280 **Hon. Dr J E Cortes:** This is additional supplementary information which I would need notice of – specific wards and specific number of days.

It did affect, as far as I can see in the information I have, three or four wards. If I had this in colour I could tell you exactly because it is a black-and-white copy of a colour version. I can provide that information, but I do not have it off the top of my head at the moment.

1285 **Hon. Mrs I M Ellul-Hammond:** Perhaps, Mr Speaker, I may enlighten the Minister that three wards were closed. Does he not agree, then, that this year's outbreak was more serious than the outbreak of February of last year, which resulted in the closure of only one ward?

1290 **Hon. Dr J E Cortes:** Seriousness of infection is very difficult to describe because how do you measure seriousness? By the number of occurrences? By the rate in which it passes? By how virulent it is in any particular patient? We felt that this year the rate of spread was less than last year – I am talking about rate – and therefore the decision was taken not to close the wards to admissions. But relative seriousness is something that is impossible to determine in this kind of brief conversation without specific data on all sorts of parameters.

1295

St Bernard's Hospital
Date of last norovirus outbreak

1300 **Clerk:** Question 156, the Hon. Mrs I M Ellul-Hammond.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Health state on what date the latest norovirus outbreak was detected at St Bernard's Hospital and on what date the Minister was made aware of this norovirus outbreak in St Bernard's Hospital?

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

1310 **The Minister for Health and Environment (Hon. Dr J E Cortes):** Mr Speaker, the outbreak was declared by the Infection Control Officer at 8.10 a.m. on 20th January. The Chief Executive was informed at 8.20 a.m. and I was informed by the chief executive at 8.32 a.m., 22 minutes after the declaration. Norovirus was immediately suspected but was not confirmed until subsequently.

1315 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then explain why it took so long for any information on the norovirus outbreak to be made public?

1320 **Hon. Dr J E Cortes:** Yes, because we have to take a responsible approach to this sort of thing. If one is told that there is an outbreak of a certain number of cases of alimentary canal issues, then you cannot just pick up the phone and call GBC and say, 'We have an outbreak of something – we're not sure what it is or how many people it affects.' Had we done that, we would have been criticised by the Opposition for not knowing what we are doing, for irrationally worrying people without the necessary information. So you have to really know and assess how this is going and what the details are before you make a public statement.

1325 The important thing is the immediate implementation of infection control measures. That is our main responsibility – to protect the health of the community – and that was done immediately. Then it needs to take one or two days in order for you to determine whether it is something of concern to the community that the community should be made aware of. Obviously, relatives of people in the ward were also informed right away, so it was not a secret. It was in the public domain on a need-to-know basis.

1330 By the time that a couple of days had passed... This was a Friday, so by the Monday, the number of instances had decreased tremendously – there were only three new cases on the Sunday, for example – so it appeared that the actual outbreak had been a very short one and had died out, and therefore it was not felt necessary to make a statement at that time because we would have been warning people about something that appeared to have been sorted out.

1335 Subsequently, there was a slight peak later on in the week and, around that time, it became in the public domain because of the Opposition's statement, so there was not really any sense in making it right away. By the time we were thinking of doing it, it seemed to have petered out. We had a couple of slight peaks later, but certainly there was not really a need. By that time it was in the public domain.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the reality is that there was concern from the public, because that is how we got to hear of it, because restrictions *were* put in place.

1340 I ask: why did it take GBC questions to the GHA and a press release from us for the Director of Public Health to *finally* make a statement on the norovirus situation and reassure the general public?

1345 **Hon. Dr J E Cortes:** Because it did not appear necessary by that time to do it, because the infection had almost passed by that time, and we had no idea that, a few days later, there might be a couple more cases, but it did not feel necessary.

1345 Immediately that this was pointed out and we had a press question, we very clearly asked the Director of Public Health to make a public health statement. As he himself said, it is not much more serious than a common cold, and I hope we are not expected in future to make a public statement every time three or four patients and five or six nurses get a cold at St Bernard's Hospital.

1350 **Hon. P R Caruana:** Mr Speaker, would the hon. Member agree with me that, clearly, there were no grounds for the hon. Member to believe that this had been sorted out and past, and therefore it was not worth mentioning to anybody, and then go on to say that, a couple of days later, there were peaks. If the outbreak has not *peaked*, on what ground did anybody presuppose that it had been sorted out?

1355 Secondly, Mr Speaker, wouldn't the hon. Member agree with me that precisely the way to allay public concern about things that the public need not worry about is to make public statements, and that by *not* making public statements all that happens is that people end up speculating and therefore worrying precisely about things that the hon. Member believes is no cause for concern.

1360 Thirdly, the hon. Member has said that this was in the public domain on a need-to-know basis because the families of patients were in the know. I have great difficulty accepting that because, precisely we, on this side of the House, got to know that there was an outbreak of *something* – we did not know what – in the hospital which had required restricted visiting rights and other things, from *precisely* a family member of a patient who was flapping precisely because no-one would tell them what it was that was going on and what sort of danger their family member was exposed to in the ward.

1365 So this does not ring true with the statement that the hon. Member is now making in this House that families *did* know, were being told and therefore were being kept informed and therefore the public knew on a need-to-know basis.

1370 **Hon. Dr J E Cortes:** I am surprised about the last point. All I can do is look into it. Perhaps that relative did not get informed for some reason. I will have to look into that.

Public statements were made in response to press questions – (*Interjection*) Yes, indeed. They pre-empted

any statement that we would have made otherwise, in the sense that it appeared that the infection had actually petered out by that time, and when I said ‘peaks’, these are minor peaks. I have a draft in front of me.

1375 **Hon. P R Caruana:** What is a minor peak?

Hon. Dr J E Cortes: You can get a minor peak. (*Interjection by Hon. P R Caruana*) If you have two cases one day and four cases the next day and three cases the next day, that case of four is a minor peak. We are talking about small figures. I am using scientific terminology which, to me, does not raise any alarm, but obviously to the hon. Member does.

1380 I do not feel that we did absolutely anything out of the ordinary. I think that we took every measure to protect the community. In fact, I am convinced this was a minor outbreak of a not very virulent disease. By the time we knew enough about it, it was apparently petering out. Then it got into the public domain and so it has continued.

1385 I have no concerns whatsoever. Everybody did what they had to do and rather well, as well, and the infection was over within a very short period of time. I do not think I have much further to say on that.

1390 **Hon. P R Caruana:** Yes, Mr Speaker, I have no doubt that the infection was very well handled by the staff at the GHA – the nurses, the doctors and the management. That is not what we are discussing. What we are discussing is whether the management and, indeed, the Government should have made a public statement to allay public concerns and speculation.

I suppose the acid test of what I am asking the hon. Member is, given their style when they were in Opposition, what fuss would *they* have made against *us* in Government *if* they had discovered from a patient – the sort that used to line up outside Watergardens to speak to them regularly – that wards had had to be restricted to visitors because *something* was going on. They would have taken an even more aggressive view than we took.

1395 Would the hon. Member agree with me that, with the benefit of hindsight and perhaps for the future, it is best to make a calm... particularly when, as he says, he believes that there was no real cause of concern. In those circumstances, particularly, the most sensible thing to have done, does he agree with me, would have been to put out a statement so that there could have been *no* cause, *no* risk and none of what actually happened, which was people speculating and worrying, coming running round to the Opposition saying that something dreadful must be going on ‘because they won’t let me get in to see my family member’, and that, particularly when there is no serious issue at stake and people’s minds can easily be put at rest, isn’t it better to put them at rest by making a timely public statement?

1405 **Hon. Dr J E Cortes:** No. First of all, I do not know what would have happened had we been in Opposition, because I have never been in Opposition, so I do not have the benefit of that. (*Interjection*)

No, seriously, quite honestly I am told early on a Friday morning that we have a number of infections of stomach ailments or whatever. I cannot make a statement until I know more about it, until I know what it is and how serious it is.

1410 We take the immediate anti-infection action. Relatives were informed. Maybe one slipped by – I do not know. Then, three days later, it goes down to two and it seems to be going down. There is hardly any need to say anything else because it is virtually over.

1415 Therefore, I think that had the pattern been slightly different, had there been more on the Sunday or the Monday than there were, then definitely there would have been a public statement, but my value judgement at the time was that it would have been irresponsible to make such a statement and unnecessary, and that is my opinion.

No two outbreaks will be the same and every outbreak will be treated as it has to be treated: responsibly, clinically, professionally and scientifically. That is all I can say.

1420 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, may I remind the Member opposite that, in fact, when they were in Opposition, the spokesman for Health did say, and I quote from 2nd March of last year:

1425 ‘Government should have alerted the public about the recent spread of a suspected norovirus in St Bernard’s Hospital at the outset, instead of keeping quiet about it until the situation was brought under control.’

Hon. P R Caruana: A very experienced spokesman for the Opposition, as opposed to an inexperienced Minister.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain why he got his priorities wrong when, on the day of the Government press release on the norovirus, which was not up to date, the Minister was able to give an interview on the Upper Rock which perhaps could have waited a day or two?

1435 **Hon. Dr J E Cortes:** As I was not in the House at the time, or anywhere near, I will look into what the Government responded at the time and see whether I can learn from that. *(Laughter)*

**Primary Care Centre
Improvements to smoking cessation programme**

1440

Clerk: Question 157, the Hon. Mrs I M Ellul-Hammond.

1445 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the hon. the Minister for Health state how the GHA will improve on the already existing smoking cessation programme offered by the nurse practitioners at the Primary Care Centre?

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

1450 **The Minister for Health and Environment (Dr J E Cortes):** Mr Speaker, the GHA is already in the process of enhancing the existing smoking cessation programme and will, for the first time, provide nicotine replacement therapy to those on the programme.

1455 In addition, I will shortly be placing before Government proposals to expand the service. Once my Cabinet colleagues have had the opportunity to consider the best date to start implementation of the manifesto commitments in respect of the ban on smoking in public places, the programme will be expanded according to the Government's chosen schedule, more details of which I will provide in answer to another question on the Order Paper.

1460 **Hon. Mrs I M Ellul-Hammond:** Thank you.
Mr Speaker, can the Minister explain, then, if the GHA will consider funding prescriptions for smoking cessation aids such as patches, gum and inhalers?

1465 **Hon. Dr J E Cortes:** We have already started providing the nicotine patches and we are considering, as part of the exercise that I referred to, what else we are going to do to carry this along, but we are committed to a wide-ranging smoking cessation programme.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain what the permanent anti-smoking campaign in secondary schools and youth clubs will be that is already over and above what is being done in schools in PSHE and through posters, and also, in fact, for the posters on No Smoking Day by the Public Health Department of the GHA?

Hon. Dr J E Cortes: I am sorry, could you repeat that?

1475 **Hon. Mrs I M Ellul-Hammond:** Yes. What is going to be done over and above what has already been put in place by the Public Health Department through the schools and...

1480 **Hon. Dr J E Cortes:** Obviously, the nicotine replacement patches is new. This was not done before, but on the subject... This is currently being discussed. We are currently discussing what we are going to do to promote it. We have not completed it yet, but it will be finished very soon, and I can say a little bit more as to our timescale in answer to your next question.

**Legislation to ban on smoking in public places
Date of introduction**

1485 **Clerk:** Question 158, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. the Minister for Health state when the ban on smoking in public places legislation will be introduced?

1490 **Clerk:** Answer, the Hon. the Minister for Health and Environment.

1495 **The Minister for Health and Environment (Dr J E Cortes):** Mr Speaker, subject to the completion of the legislative options and completion of drafting by the LSU, which is already well under way, it is my intention to set out the timetable for this on National No Smoking Day, which is 14th March this year and, hopefully, we will have more information on the other aspects you asked about before.

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

1500 **Severely challenging pupils
Management policy**

Clerk: Question 159, the Hon. Mrs I M Ellul-Hammond.

1505 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Education explain what the current policy for dealing with severely challenging pupils is, what provision is presently made for them and what, if any, the Government's future policy for them will be.

1510 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1515 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy for dealing with pupils exhibiting extreme challenging behaviour is based on identification, assessment by a multi-disciplinary panel, the provision of resources and regular review – the same as it has always been.

The majority of pupils displaying challenging behaviour are supported by the Behaviour Education Support Team in schools and will continue to be educated in a mainstream setting alongside their peers.

1520 Where the child and family are known to the Care Agency, a joint Education/Care Agency plan is put into place. This may include a tailored programme delivered by a teacher outside the school premises and always in partnership with the Care Agency and other relevant bodies, such as the RGP and GHA. The process is monitored through multi-agency case conferences.

1525 The most extreme cases are educated in specialist centres outside Gibraltar. The Government intends to create a dedicated discipline support facility to cater for the pupils with challenging behaviour who can benefit from an environment which will keep them away from the mainstream for their own protection and for the safety of staff and other children.

Hon. Mrs I M Ellul-Hammond: Thank you.

1530 Mr Speaker, can the Minister explain further, then, this manifesto commitment to create a unit away from mainstream education for children of challenging behaviour? Where will this unit be and for what age groups?

Hon. G H Licudi: Mr Speaker, the position is that the Government intends to create a dedicated facility.

1535 We are currently looking, in conjunction with my hon. Colleague, Miss Sacramento, at the sites which will be used for this. A site has been identified already and is being considered. The idea is to have a secure facility where children with challenging behaviour can be sent and can be cared for, both by the Care Agency and provided with education. That is the intention and that is what we are working for.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, does this conform with other education systems in Europe, and what studies have there been to indicate that this does not psychologically damage those students, who may feel stigmatised by attending a separate institution or which may be seen as a correctional facility and fingers will be pointed?

1540

Hon. G H Licudi: Mr Speaker, this is not intended to be the sort of institution that the hon. Lady is referring to.

There are circumstances already where children have to be taken away from mainstream education, both for their own protection and for the protection of others in that school. That already happens, and what we are doing is providing a set-up which does not exist at the moment. Now it is dealt with on an *ad hoc* basis and we want to have a dedicated facility to be used only in these rare and extreme cases. So it is not a case of creating an institution where we are going to be putting children at the first opportunity.

1545

The efforts that are made, as I have explained, are based on keeping the child, to the extent that it is possible, in mainstream education and providing the support that is necessary. That is done through a multi-disciplinary agency panel. An assessment panel is constituted, which is formed by paediatricians, social workers, educationalists, therapists and educational psychologists. That assessment is made and the needs of that particular child are identified and considered as to how best it can be provided, always within mainstream education.

1550

But we have had cases in the past where it has not been possible for that child to be kept in mainstream education. We have had cases in the past where the child has had to be sent to the United Kingdom to specialist facilities. We consider that it is best if we have that sort of facility replicated in Gibraltar, rather than having to send the child to England, primarily because the child is kept in a local setting, kept near his family. The people that have dealt with that child, both from a care point of view and the education point of view, can continue to have that care for that child, and we believe that that is a better prospect for the child than sending them away to the UK. But it is only in those exceptional circumstances that that facility will be used.

1555

1560

Hon. Mrs I M Ellul-Hammond: Thank you.

Mr Speaker, can the hon. Member then clarify that you will be building a separate educational institution for those one or two children who would otherwise have been sent to a specialist education institution in the United Kingdom?

1565

Hon. G H Licudi: Mr Speaker, this is not a separate educational institution. This is a facility which will provide a secure setting whereby a child with extreme challenging behaviour can be kept and can be cared for, *including* by the provision of education and the assessment of the necessary panels.

1570

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister then explain what the role of Bayside School's Alternative Learning Centre is and the type of children that attend it?

1575

Hon. G H Licudi: There are two different situations. One is where the child is identified as having behavioural problems and can be supported and be kept in school. That is the preferred option and that is why the Behaviour Education Support Team exists, which consists of teachers, and also the educational psychologists participate in that. That is always the preferred option, to keep that child in the school setting.

This alternative facility is not simply to provide the alternative for those particular cases that are currently handled in schools; it is to provide the alternative for those cases that *cannot* be handled in schools and, on occasions, have to be taken to the United Kingdom. Therefore, it is not a replacement for the facilities that already exist in schools.

1580

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister then tell us whether the Alternative Learning Centre will continue to function, and will it function in the same way as it has been so far?

1585

Hon. G H Licudi: Yes.

Hon. J J Netto: I am grateful to the hon. Member opposite in the Government obviously going along this path because obviously this is something that we recognised, that there was something that had to be extended

1590

from the services that had developed in the past and in fact it was a manifesto commitment.

1595 The reason why I need to seek further clarification from what he said is because he used the terminology
"secure setting" a couple of times. Now for the purpose of clarification when we are talking about 'secure
settings', normally this is done because a particular child is absconding and such absconding poses a risk to
that particular child, so is the hon. Minister saying that, for the purpose of doing this particular centre and for
having a secure centre, changes to the Children Act will have to be brought about so that the Care Agency – if
the Care Agency is indeed the one that is going to manage this – will be able to go through a Social Worker to
a Judge and be able to say to a Judge, well, you know, for this particular reason there is a need to secure this
1600 particular child for a specific period of time. Is that the case?

Hon. G H Licudi: It is the case that changes to the Children Act are being considered and may be
necessary, as indicated by the hon. Member

1605

**Revised educational curriculum
Not necessarily UK-led**

1610 **Clerk:** Question 160, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker can the Minister for Education state if he will be exploring
other jurisdictions' curriculums or systems of education, in order to introduce a revised one in Gibraltar that is
not necessarily UK-led, such as that of Scotland, Ireland, Canada, Australia or even other European countries,
as highlighted by his hon. Friend, the then Opposition Spokesman with responsibility for Education, in his
1615 2010 budget speech?

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

1620

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H
Licudi):** Mr Speaker, there are currently *no* plans to move away from a UK based education system.

1625 More specifically our education system, our public examinations system, the awarding bodies and our
entire education arrangements are all historically and culturally linked to those of England. It goes without
saying, however, that the Education Department will always keep abreast of worthwhile educational
innovation regardless of national provenance.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Hon. Minister suggesting that his hon. Friend was,
then, speaking out of turn and not in line with Alliance policy in 2010?

1630

Hon. G H Licudi: Mr Speaker, I am not suggesting anything of the sort. I am answering what the
Government's plans are, and the Government has no plans to move away from the current educational system,
but the door cannot be left completely closed.

1635 We constantly hear comments in the press about changes to the education system in Gibraltar, sorry in
England, and where there are changes made we have to consider whether those changes are going to be
replicated in Gibraltar. We have to take our own decisions on that. There are some changes which may be
beneficial and that we will adopt. There may be others that would not be beneficial and we do not adopt –
those decisions are to be taken at that particular time when changes are made. At the moment there are no
plans to change the current education system.

1640

**New Director of Education
Timeline for appointment**

1645 **Clerk:** Question 161, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Can the hon. Minister for Education explain what the timeline is for the appointment of the new Director of Education?

1650 **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 Bulletin of Circulars advertising the post of Director of Education was published on 31st January 2012.

1655 The closing date for applications was 14th February 2012. The Public Service Commission will meet after this date; in fact, I am now told that the date for the Public Service Commission meeting is the 8th March, so I expect that the Public Services Commission will decide on that appointment on that date.

1660 **Hon. Mrs I M Ellul-Hammond:** Thank you very much.

Maintenance Orders Compliance review

1665 **Clerk:** Question 162, the Hon J J Netto

1670 **Hon. J J Netto:** Mr Speaker, given the length of time some individuals habitually remain in breach of Maintenance Orders, will the Minister for Justice conduct a review of this matter in order to ensure compliance with the Courts' Orders in a timely manner?

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

1675 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Clerk to the Magistrates Court will now receive a monthly report showing all known breaches of Maintenance Orders and information on Maintenance Orders that may be in breach, even though this has not been formally reported to the courts by one of the parties.

1680 The final decision on actions to be taken, however, remains by the collecting officers of the court and the court itself.

1685 **Hon. J J Netto:** Well, Mr Speaker, of course, I can understand what the mechanism may be in place at the courts in order to ensure compliance with the courts order but, perhaps, this is... I mean, if there were to be a case where there are any material changes to the condition of a person that, obviously, the courts will look into the particular case of that particular person. Otherwise, if there are no material changes to that particular person which is in breach of the Maintenance Court Order, it seems to me, Mr Speaker, that given that we are in this particular case talking about 29 that are in breach, right, it is not a huge number, by definition, so the court quite easily could obtain information from other Government Departments, whether Social Security or Employment, to establish whether those particular persons in breach are actually in employment or unemployment. Once they have that particular information they can act particularly more quickly to ensure compliance, because the non compliance of the Maintenance Order will mean hardship for a particular family.

1690 So will the hon. Member now agree that this is absolutely necessary and perhaps look into it?

1695 **Hon. G H Licudi:** Mr Speaker, of course, the Government appreciates that where there is a court order in place and there is, especially in terms of payment of maintenance to other parties... and that order is in breach, that may result in hardship to the person. The question of enforcement, however, of those court orders is essentially a judicial process; it is not a process for the Government or for myself as Minister with responsibility for Justice.

1700 What the hon. Member asked last month was the number of orders that had been in breach and I explained the process by which that is arrived at and the numbers. What I have today told him, in response to a question

1705 on a review, is that, in fact, that review has already happened by the Clerk and that the Clerk will now receive certain reports which he can monitor on a monthly basis, so we hope that, as a result of this matter having been raised, the position... I cannot say how it will be addressed in a judicial context because that is a matter for the court officers and the court itself, but certainly the system is in place for identification at hopefully an earlier stage of possible... because the mechanism for identification is about identifying on a monthly basis no breaches and Maintenance Orders that may be in breach, even though it has not been formally communicated to the court.

1710 So we have put that system in place and we hope that it bears fruit and identifies at an early stage appropriate action to be taken: ultimately the action is for the courts.

Clerk: Question...

Mr Speaker: No, the Hon. Daniel Feetham

1715 **Hon. D Feetham:** Yes, does he not accept that, in fact, part of the problem in relation to this, and I certainly experienced this when I was sitting in, not in his chair, slightly to the right, but when I was Minister for Justice, it is not the actual enforcement by the courts, it's the issuing, it's that the courts issue arrest warrants and then there are, there may be a number of arrest warrants in relation to a particular individual and the complaints certainly that I received was that the police weren't enforcing those arrest warrants.

1720 Does he... is it something that in his short time as Minister for Justice that has been a problem that has been communicated to him and, if so, what does he intend to do about it?

1725 **Hon. G H Licudi:** Mr Speaker, there has been no communication to me of any particular problem in relation to the issue involved of arrest warrants. The question related specifically to breach and the systems that are in place for identifying those breaches and dealing with them and that is the answer.

If there is an issue relating to what happens subsequently that is an issue that clearly can be looked at and I will be doing so.

1730 **Hon. Chief Minister:** Mr Speaker would that be a convenient moment to break for 15 minutes?

Mr Speaker: That would be a very good moment for that! (*Laughter*)
The House will recess for 15 minutes.

The House adjourned at 5.15 p.m. and resumed its sitting at 5.35 p.m.