



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

EVENING SESSION: 5.35 p.m. – 7.47 p.m.

Gibraltar, Wednesday, 15th February 2012

The Gibraltar Parliament

The Parliament resumed its sitting at 5.35 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

EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE

**Royal Gibraltar Police
Reported cases of domestic violence**

Clerk: Question 163, The Hon. J J Netto

5 **Hon. J J Netto:** Can the Minister for Justice state if there have been any reported cases of domestic violence at the RGP from the beginning of September 2011 to the end of January 2012, showing the number of persons arrested as a result of the police attending the call, and the persons charged as a result of the police intervention?

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

15 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Royal Gibraltar Police records domestic violence incidents into two different categories – Offence/Arrest or Reported for Information Purposes Only. The latter is subdivided into two sub categories – domestic violence, where there has been some degree of physical violence, and domestic non-violence, where no physical violence has taken place.

20 Fifty five cases of domestic violence have been reported to the Royal Gibraltar Police from the beginning of September 2011 to the end of January 2012. As a result, 38 were reported purely for information purposes only, 15 as domestic violence and 23 as domestic non-violence. Twelve persons were arrested, four persons were charged and are awaiting trial, two persons were reported and will receive summonses to appear in court. Two persons were arrested as a result of assaulting police officers attending to the disputes.

25 **Hon. J J Netto:** Mr Speaker, I was not able to get all the amount of information. I wonder whether the hon. Member would mind providing me with a copy of the papers so I can get hold of the details of the information.

I am much obliged, Mr Speaker.

30 **Hon. P R Caruana:** Mr Speaker, does the hon. Member consider that, in the present day and age, the distinction that he has just recited to this House, as still maintained by the RGP as between domestic and non-domestic Violence, is justified any longer?

35 **Hon. G H Licudi:** Sorry, is the question relating to domestic violence and domestic non-violence? Because the distinction I have drawn is between domestic violence and domestic non-violence, where there is, in the former case....

Hon. P R Caruana: Sorry, I misunderstood. I thought there was a category of violence – domestic and non-domestic violence

40 **Hon. G H Licudi:** No, No

Hon. P R Caruana: I see, I withdraw the supplementary.

45 **Royal Gibraltar Police
Reported cases of rape or sexual abuse**

Clerk: Question 164, the Hon. J J Netto

50 **Hon. J J Netto:** Can the Minister for Justice state if there has been any reported cases at the RGP in relation to rape or sexual abuse from the beginning of September 2011 to the end of January 2012, broken down monthly, and if there have been any persons charged as a result of the inquiries of the police?

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, no reports alleging rape have been received by the Royal Gibraltar Police from the beginning of September 2011 to the end of January 2012.

60 With regard to sexual abuse I am not entirely clear whether the hon. Member by sexual abuse means sexual abuse with children or sexual abuse generally, in other words crimes involving some element of a sexual nature.

65 **Hon. J J Netto:** Yes.

Hon. G H Licudi: What I will do is give the hon. Member the number of reports with allegations of a sexual nature made during this period.

70 September 2011 – in September 2011 police officers arrested and later charged a male and female for indecent behaviour. Both persons were sentenced to three weeks imprisonment.

October 2011 – no offences were reported.

November 2011 – a report was received from a female that she had been indecently assaulted. One person was arrested and charged with indecent assault and later fined £200. Also in November a report was received of an indecent exposure. This matter is still being investigated.

75 December 2011- one person was arrested for indecent assault. That person was charged with indecent assault and robbery and will be appearing in court on or appeared in court on 14th February 2012. Also in December, one person was arrested for indecent assault. The person is currently on police bail until the 1st March 2012.

80 In January 2012 a report concerning possession of indecent images of children was received. The matter is still being investigated. Also in January, a person was arrested and charged with indecent assault. The person will next be appearing in court on the 23rd May 2012.

Hon. J J Netto: If the hon. Member would not mind providing me with a copy of the answers... Thank you.

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

Hon. D A Feetham: Mr Speaker, I do not think my hon. Friend has a supplementary so, in fact, you can continue.

90 **Mr Speaker:** Well, in that case, let us continue.

**Legal Aid and Assistance schemes
Policy on reform**

95 **Clerk:** Question 165, the Hon. D A Feetham.

100 **Hon. D A Feetham:** What is the Government's policy on reform of Legal Aid and Assistance schemes?

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

105 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the policy of the Government is to reform the Legal Aid and Assistance schemes. There is a draft Bill which I am in the process of considering. I am consulting the Bar Council and the Registrar of the Supreme Court on the draft Bill.

110 **Hon. D A Feetham:** Can the Minister confirm that is the draft Bill that was drafted when I was Minister for Justice?

Hon. G H Licudi: Yes, sir

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**Financial centre development
Islamic Finance and Shariah compliant financial products**

120 **Clerk:** Question 166, the Hon. D A Feetham

Hon. D A Feetham: Will the Minister for Financial Services state whether the Government has any present intention to develop Gibraltar as a financial centre for Islamic finance and Shariah compliant financial products?

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

130 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have discussed the possibility of developing Gibraltar as a financial centre for Islamic finance and Shariah-compliant products with the Financial Services Commission and the Finance Centre Director.

135 I intend to have further discussions with them and to consult the Finance Centre Council. Government will give due consideration to the views and representations made to it before a final decision is taken. I would add that there is no reason why Shariah-compliant products may not currently be marketed or developed by the providers of financial services in Gibraltar subject, of course, to all statutory and regulatory requirements being met.

140 **Hon. D A Feetham:** Yes, that is certainly true but does he not accept that it would increase the attractiveness of Gibraltar as a jurisdiction for Shariah-compliant products if there was some statutory underpinning, which, for example – it does not need to be complicated – but, for example, would ensure that any Shariah products that are actually sold from Gibraltar need to comply with Shariah law?

145 One of the ways that is done is for a particular expert on Shariah law to actually certify that the products that are being sold are Shariah products or that the company that is selling those products is structured as a Shariah-compliant company. So does he not agree with me that if, despite the fact that I accept that at the moment Shariah products can be sold from Gibraltar, if we are to increase the attractiveness of the jurisdiction in that regard some form of statutory underpinning is necessary?

150 **Hon. G H Licudi:** Mr Speaker, I agree with him that this matter is worthy of consideration and that the issues that the hon. Member has raised are precisely the issues that I am currently discussing with the relevant parties.

155 With regard to the certification... to the extent that a particular product needs certification, a provider of financial services can already do that, although I have been made aware of the issue that the hon. Member raises in relation to possible legislation. That is something that we are actively considering.

EQUALITY AND SOCIAL SERVICES

160

Cochrane Ward

Places available since 9th December 2011

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Clerk: Question 167, the Hon. Mrs I M Ellul-Hammond

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how many places have been made available at Cochrane Ward since 9th December 2011 and were they filled by long-stay elderly people already in hospital wards or straight from the community?

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

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there have been six places made available since 9th December 2011. All were filled by long-stay elderly patients in hospital. No admissions to Cochrane Ward have been straight from the community, as was the policy when Cochrane Ward opened in 2009.

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**Calpe Ward, St Bernard's Hospital
Date of opening and staff requirements**

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Clerk: Question 168, the Hon. Mrs I M Ellul-Hammond

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality and Social Services specify when the Calpe Ward in St Bernard's Hospital will be open, and what would be the new additional staff requirements, broken down by grades, and will it be run by the GHA or the Care Agency?

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the planned opening for Calpe Ward is Sunday 26th February 2012.

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Staff requirements are 8 Registered Nurses, 18 Care Workers, three domestics and medical cover. Calpe Ward will be run in partnership between the GHA and the Care Agency.

The eight Registered Nurses and 18 Care Workers will be provided by the Care Agency and arrangements are being made to rotate existing staff to the new ward, so that new staff are spread out evenly throughout different areas of elderly care. Medical cover and domestic staff will be provided by the GHA.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister tell us where the nursing staff will come from?

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Hon. Miss S J Sacramento: Mr Speaker, although this is not a question that was specifically asked, I am aware that there will be four Spanish nationals recruited as Registered Nurses and there are four other nurses where recruitment is pending.

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Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, can the Minister then tell us if there was much response to the two vacancies advertised for Nursing Assistants and a Registered General Nurse for small elderly care units?

Hon. Miss S J Sacramento: Mr Speaker, I am not aware of the exact number of applicants but I am happy to inform the hon. Member opposite should she write to me directly.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister advise if these nurses will be taken from, as in response to this advertisement or if they will be taken from existing wards within the GHA hospital?

Hon. Miss S J Sacramento: Mr Speaker, these are new recruits and they will not be taken from any existing wards.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, why is it, then, that the advert was placed by the GHA, not the Care Agency?

225 **Hon. Miss S J Sacramento:** Mr Speaker, although it is correct that there was an initial advert by the GHA, this advert was then withdrawn and there was a subsequent advert by the Care Agency.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister advise how much the running of the Calpe Ward will cost?

230 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot give an accurate cost at present. Perhaps if I had been given notice of that question, which is not really implicit in Question 168, then I would be able to provide that information.

Of course, I am happy to provide that once final figures are known and if these are requested by the hon. Member opposite.

235 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister explain what additional measures will be implemented for their long term plans of, and I quote:

'a made to measure facility for the elderly'?

240 **Hon. Miss S J Sacramento:** Mr Speaker, I think that question is a bit vague and I don't know what... how this relates to Calpe Ward.

245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, it relates to Calpe Ward in that, in their manifesto, they state:

'Our short term policy will be to *add* beds at St Bernard's'

– i.e. the opening of the Calpe Ward –

250 'We will also provide a made to measure facility for the elderly.'

Hon. Miss S J Sacramento: Mr Speaker, the opening of Calpe Ward is an emergency measure, given the state of the –

255 **Hon. N F Costa:** The lack of beds.

Hon. Miss S J Sacramento: – the lack of beds at St Bernard's Hospital and the long-standing problem of beds in surgical wards which have been taken by elderly people. So, Mr Speaker, a decision was taken to open Calpe Ward immediately.

260 Insofar as the bigger picture of addressing the issue with the elderly, a feasibility study in relation to the need to cater for that is being undertaken and, once we have the final result of that feasibility study, Mr Speaker, we will then consider what needs to be provided.

265 **Hon. J J Netto:** Earlier on, the hon. Lady did mention that the opening of Calpe Ward would be, if I quote her correctly, 'in partnership with the GHA'. Can she describe the partnership?

Hon. Miss S J Sacramento: Mr Speaker, the partnership is that the Gibraltar Health Authority and the Care Agency are working together.

270 **Hon. J J Netto:** Of course... (*Laughter*) It is an answer of the obvious but, leaving that aside, Mr Speaker, what I was referring to is the management of the new ward. Could she be more specific?

275 **Hon. Miss S J Sacramento:** Well, Mr Speaker, then maybe the question could have been more specific. (**Hon. N F Costa:** Absolutely.) Indeed, people are commenting that staff from both the Care Agency and the GHA are commenting how unique it is that both agencies are working together and are working together so effectively for the first time.

Mr Speaker, in general the running of Calpe Ward will be undertaken by the Care Agency very similar to the way that Cochrane Ward at the GHA is run.

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

285 **Clerk:** Question 169, the Hon. J J Netto

290 **Hon. J J Netto:** Can the Minister for Social Services state if there have been any recordable acts of violence in any of the Care Agency Residential Homes, since this question was asked in Question No 46 of 2012 to date and, if so, could the Minister provide a breakdown showing the dates of the incident/s, whether the incident/s was between children, or between children and staff and whether, as a result of the incident, medical attention was required either at the home or in the hospital and for what purpose?

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

295 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been five acts of violence; these have been between children and staff. Two of these have required medical attention.

I am now passing to the hon. Member a table with further details of these incidents, as requested.

ANSWER TO QUESTION 169 OF 2012

Date	LAC to LAC	LAC to Staff	Medical Attention/Where	What Purpose?
25/01/12		Yes	No	
26/01/12		Yes	No	
26/01/12		Yes	Yes/Hospital	Staff- Tetanus for a bite and antibiotics
28/01/12		Yes	Yes/Hospital	Staff - fracture of 2 ribs
29/01/12		Yes	No	

300 **Hon. J J Netto:** While the information is coming through, did I understand the hon. Lady correctly that the five acts of violence were between juveniles and staff – is that the case?

305 **Hon. Miss S J Sacramento:** Looked-after children and staff, not juveniles. ‘Juveniles’ implies that there was a criminal conviction.

Hon. J J Netto: Mr Speaker, as far as the medical attention which the hon. Lady has mentioned, was that given at the home or at the hospital?

310 **Hon. Miss S J Sacramento:** Mr Speaker, I would refer the hon. Member to the table and if he sees the medical treatment that was administered I think I can safely say that this was administered at the hospital, as this can only be administered at hospital.

315 **Hon. J J Netto:** Mr Speaker, could the hon. Lady say whether any of these incidents in relation to the looked-after children refers perhaps to the same children for which she gave me an answer, a written answer, last month?

Hon. Miss S J Sacramento: Mr Speaker, I do not have that information and I cannot confirm whether it is the same child or whether it is various children.

320 **Hon. J J Netto:** Will the hon. Lady, if I write to her, stating the fact that I would want to, or would like to, know whether we are talking about in all of these cases in this particular month – sorry in the month of January – are the same one to the previous month or not? Will she be able to give me that information?

325 **Hon. Miss S J Sacramento:** Indeed, Mr Speaker, I am happy to give this information on a confidential basis.

Clerk: Question 1-

330 **Hon. J J Netto:** Can I also say, Mr Speaker, whether as a result of the incidents, there was any discussion by management, post the incident, and, as a result, have there been any changes to the care plans of those particular children?

335 **Hon. Miss S J Sacramento:** Mr Speaker, discussions are ongoing each time there is an incident and they are ongoing in any event because care plans are reviewed continuously.

Some care plans are reviewed daily; some care plans are reviewed weekly so, of course, any incidents would have a bearing on the review of the care plan.

340 **Hon. J J Netto:** What I am actually saying specifically, as a result of this particular incident whether care plans have changed as a result of this?

Hon. Miss S J Sacramento: Mr Speaker, not assuming whether this is in relation to one child or various children, each incident, there is, each time there is an incident, the matter is evaluated and then it is taken into account in the care plan.

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**Unallocated referrals of children
Level of risk to such children**

350 **Clerk:** Question 170, the Hon. J J Netto.

355 **Hon. J J Netto:** Can the Minister for Social Services state if there has been *any* unallocated referrals of children waiting for a service, since this question was asked for the month of January 2012 and, if so, provide a breakdown of the level of risk to any such children?

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

360 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there have been no unallocated referrals for children waiting for a service since the question was previously asked. All referrals are, in effect, allocated.

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**Seven registered looked-after children
Vocational Training Scheme placements**

Clerk: Question 171, the Hon. J J Netto

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Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the seven registered looked-after children are now in placements in the Vocational Training Scheme or, indeed, in any other scheme for training purposes, as stated in answer to question no 44 of 2012?

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

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the seven registered looked-after children, one child has now returned to the UK and the position in relation to the remaining six looked-after children has not changed since the question was asked at the last parliamentary session. Efforts continue to be made to assist them in employment, as suitable employment opportunities arise.

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Hon. J J Netto: Mr Speaker, can I ask the hon. Lady what has been the total amount of time in which the other six now have been registered either in the Vocational Training Scheme or any other training scheme, for that matter? What is the period for which they have been waiting a placement?

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I do not have the exact information but I can confidently say that they have been on the list since the previous Government were in office.

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Hon. J J Netto: I am not asking her what is happening, you know, when we were in Government or when the GSLP was in Government, or when the AACR was in Government... I am asking her *now*, in reference to this particular six children, does she know the period in which they have been registered for a Vocational Training Scheme placement or any other training scheme at all. Does she know?

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Hon. N F Costa: She said she does not have the information. That is the first thing she said.

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Hon. Miss S J Sacramento: Mr Speaker, I have said that I do not have the exact information. Clearly, if they are on the new training scheme that could only have happened from 1st February. Before that they were on the waiting list for the Vocational Training Scheme. That they have been on the Vocational Training Scheme for some time I know. The first date on which they were placed on the training scheme I do not know, but I do know that they have been on the training scheme since before this Government came into office.

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Hon. D A Feetham: Sorry, are these six children... is what the hon. Lady saying that these six children are now part of the Future Job Strategy? Is that what she is saying?

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Hon. J J Bossano: Mr Speaker the... apparently there is a conflict of information provided between the people in the Social Services and the people in Bleak House. They did not appear as being on the Bleak House scheme in January and therefore they were not placed in the new scheme in February.

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However, the people in the Social Services apparently *thought* they were in the Bleak House and we have not been able to establish, since the question came, whether, in fact, they were actually being paid the £450. Bleak House has no record of them. The Social Services were under the impression that they were getting paid by Bleak House and that they were in the previous scheme. I think they were not, frankly, and I do not think they were being paid, but I can't tell him that it is... In other words, what I am saying... if they were being paid and they were on the Bleak House scheme would have known, so I think the answer is that the information that the Social Services had was mistaken, not correct.

Hon. D A Feetham: Yes, but surely will the hon. Lady undertake to actually look into these six cases and to come to the House next time round and to inform the House as to whether they were on the VTS scheme as

420 of the date of the change of Government? If they were, I presume that, in fact, they will automatically then form part of the Future Job Strategy.

Hon. Miss S J Sacramento: Mr Speaker, we all assumed that that was the position, but having taken an interest in all six looked-after children, although it was easily established from some Departments that they were on the list, it could not be verified by other Departments – but the matter is already being investigated.
425 If the hon. Member wishes to ask me the question in the next House then, of course, I will respond.

Hon. J J Netto: Yes, can I ask one further question, supplementary question to the hon. Lady.
Given that two months have now elapsed whereby these particular six youngsters – I say youngsters because they must be between the ages of 15 and 18 or perhaps 19, right – have not been placed in any training scheme or whatever we want to call it. What has been that they have been doing then, because they have not been in education, they have not been in training, so what have they been doing in that interim period?
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Hon. Miss S J Sacramento: Mr Speaker after the age of 15 there is no obligation for them to be in education and, in any event, Mr Speaker, my understanding was that they were on the waiting list of the Vocational Training Scheme and meetings and interviews were being held between the social workers, the children involved and the officers of the Vocational Training Scheme in, clearly, an attempt to place them in employment.
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Hon. D A Feetham: Yes but does the hon. Lady not accept that you are not dealing with a normal situation here, certainly any child over the age of 15, it is not compulsory to return to school, but you are dealing with looked-after children, where the agency is in a situation of parental responsibility in relation to those children. Does she not accept that it is quite extraordinary that she does not know what the position is in relation to six children for which her agency is in a position of parental responsibility over the last two months?
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Hon. Miss S J Sacramento: Mr Speaker I have said nothing of the sort. I have not said that I do not know. What I do not know is the first date on which they were placed on the list for the Vocational Training Scheme. I know exactly what is happening in relation to each child. There are six children. I have a brief in relation to each child which, of course, I am not going to give details in the Parliament, Mr Speaker, but I am happy to provide them to the hon. Member on a confidential basis.
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Mr Speaker, it is not always easy to place people in employment, which is why both the social workers whose responsibility it is to look after the children, as well as the people at Bleak House, have been working together in an attempt to secure employment for these children.
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Hon. D A Feetham: With respect to the hon. Lady, is she now saying that they are in a training scheme or are they not in a training scheme? Because the previous answer was that you did not know whether they were on a training scheme. That was the answer in fact that the hon. Gentleman, Mr Bossano gave a few moments ago. Are they on a training scheme or are they not on a training scheme? Because the hon. Lady doesn't seem to know.
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Hon. J J Bossano: Mr Speaker, when the list was provided by Bleak House of the people of that were... these six names were not on that list. When my colleague asked the Department, the Department told her that they were on a waiting list but the Bleak House waiting list did not include them.
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So we have the social worker saying one thing and the people in Bleak House saying something else. I have no doubt that they cannot have been in training because, otherwise, there would have to have been a payment and they would have had a place in which they had to be and, you know, we have not been able to establish why one set of public servants thought one thing and another set of public servants thought another, which is quite extraordinary when we are only talking about six kids and not...
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Hon. P R Caruana: Mr Speaker, would the hon. Lady perhaps agree with me that, whether these six children or persons are in training now or not, I am sure that it would be a view shared across the floor of this House that, given that the state is *in loco parentis*, they should be given, if anything, priority under any

475 scheme and that care should now be taken to co-ordinate as many of the state mechanisms as possible to
ensure that these people do not fall between the two and get into employment or training because, otherwise,
they will become a bigger problem for everybody else.

480 **Hon. Miss S J Sacramento:** Absolutely and that is what is being done, Mr Speaker. Actively, I might
add.

Care Agency
Monthly expenditure reports to the Financial Secretary

485

Clerk: Question 172, the Hon. J J Netto

490 **Hon. J J Netto:** Mr Speaker, is the Government in a position, following their rethink of last month, to
provide a copy of the Monthly Expenditure Returns Report from the Care Agency to the Financial Secretary,
commencing from September 2011 to date?

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

495 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the response is
the same as that given by my hon. Colleague in the reply to Question 126 of 2012 and that a policy decision
has been taken in this regard not to.

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St Bernadette's Occupational Therapy Centre
Nursing services

Clerk: Question 173, the Hon. J J Netto

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Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if nursing services are being
provided at St Bernadette's Occupational Therapy Centre?

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

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I can confirm that
there are nursing services provided at St Bernadette's.

515 The service provided consists of two full-time Qualified Nurses, one Learning Disability Nurse and the
other an Enrolled Nurse. The nurses provide fundamental care, administer medication, health education and
support to the Care Workers, service users and parents. The nurses also provide support in activity sessions,
outings and liaise with other professionals and contribute to the plan of care of the service users, much in the
same way as they did just over 2 months ago.

520 **Hon. J J Netto:** Mr Speaker, well, I knew that was the answer but, given I knew there were nursing
services provided at St Bernadette's, surely the answer given to me by her last month was incorrect because,
in answer to Written Question 34 of 2012, when I did ask how many people were in employment of the Care
Agency by location and she provided all the tables by the grades and by location, the two nurses are not
specified there so, therefore, the information is incorrect.

525 But I also noticed, having looked at that, in terms that they are not there, that it seems to me that, perhaps,
other totals are not as they should be or perhaps there has been some movement. For instance, we have a total
of 29 non industrial employees and four industrial employees, which is 33 persons, as given by the
information last month. But if we actually look at the Estimates book, there are a total of 25 persons in full-
time and part-time basis, so there seems to be a discrepancy between the figures provided last month in the
written form and the figures which we have got here.

530 That said – I do not know whether the hon. Lady is listening to what I am saying or not – but what... I
mean there may be a justification for this. For instance, one of the things I can recall is that one policy
decision *we* took when we were in Government that the Classroom Aides which were full-time are now part-
time, so that partly explains the difference between the figure provided last month and the estimate book – but
it does not completely tally. Not only does it not seem to tally in St Bernadette's, it does not seem to tally,
535 either, in Dr Giraldi Home. For instance, in Dr Giraldi Home the information given last month is that there are
four unit managers, whilst the Estimates book provided a figure of five unit managers, so perhaps does the
hon. Lady have an explanation for this?

Hon. Miss S J Sacramento: Mr Speaker, the information that the hon. Member is referring to is
information that has been provided to me by officials. Of course, I have not physically gone round each
540 Department of the Care Agency counting how many nurses and how many Classroom Aides we have! That
has been information provided to me by management.

If the hon. Member is now comparing that to the Estimates book which he prepared, then I do not know –
perhaps the hon. Member can explain the discrepancy to me. Certainly, there have been no policy decisions to
change staffing arrangements by this Government yet, so if there is a discrepancy then it may be a matter of
545 human error by the people who provided that information to me. Of course, if the hon. Member wishes to ask
me the question in writing I will respond to it. I will ask people to check the discrepancies and he can ask me
the question in writing and I can, of course, respond.

Hon. J J Netto: Mr Speaker, of course I know that the information is not being collated and prepared and
given by the hon. Member opposite of course I know that it is being done by the senior management but what
I am actually saying, that there are a number of discrepancies and information being given by the management
for which the hon. Lady then has to stand here in Parliament and provide an answer, and given that there are
discrepancies, what I am actually suggesting or asking the hon. Lady, because I cannot instruct the hon. Lady
555 to do anything, but to ask the hon. Lady could she actually take the information back given last month to give
a satisfactory explanation. Perhaps there is a perfectly legitimate explanation for that, but given there are
discrepancies like the unit managers and discrepancies like the nurses there has to be an explanation for this.
Can the hon. Lady take it back, therefore, and provide, you know, explanations for these discrepancies?

Hon. Miss S J Sacramento: Mr Speaker, I have already said that I will, so the answer is yes.
560 Perhaps it would have been more fruitful if I had been put on notice of this, as opposed to being ambushed
with figures that I provided last month.

Hon. D A Feetham: Well, can the hon. Lady explain how on earth she comes to the conclusion that she is
being 'ambushed' when, in fact, the figures were the figures which the hon. Lady provided last week, last
565 month?

Hon. Miss S J Sacramento: Because that is not the question that was asked of me, Mr Speaker, in
writing.

570 **Hon. D A Feetham:** Well does she not accept that she is responsible for the figures that she provides to
this Parliament both written and oral and should she not, does she not accept that she should have checked
both figures to see whether both figures correlated?

575 **Hon. Chief Minister:** Mr Speaker, this is when Parliament starts to turn into an argument rather than a
question and answer session.

There has been a perfectly civilized exchange between the Hon. Mr Netto and the Hon. Minister. The Hon.
Minister has undertaken to go back and the hon. Gentleman will know that the question didn't just relate to
the figures from last month and this month but also to the Estimates in respect of which *they* are responsible
for that Estimate book and it was done while they were in power.

580 I think the position is perfectly clear. The hon. Lady has said that she is going to go back and look. Let's
not allow this to descend into argument when it is Question Time.

Hon. D A Feetham: I agree entirely but then perhaps he should have a word with the hon. Lady not to

585 make comments such as that my hon. Friend has ‘ambushed’ her, which is clearly not the case.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is absolutely right. I will have a word with the hon. Lady, to congratulate her for how well she is conducting her answers in only her second session in this Parliament.

590 **Mr Speaker:** I take the point the Hon. Chief Minister has made. Let us keep the tempo down. I think it was progressing quite well but I must confess I think the use of the word ‘ambush’ rather triggered off a different tempo. Far be it from me to criticise the use of the language when it is not unparliamentary.

595 **Mount Alvernia**
Help for those in need of admission

Clerk: Question 174, the Hon. J J Netto

600 **Hon. J J Netto:** Mr Speaker can the Minister for Social Services say how many of the 66 persons awaiting an immediate need for admission into Mount Alvernia from the community, as answered in Written Question No 38/2012, are receiving any home help either by the Care Agency, the family of the elderly person, both, or by nobody.

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

The Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the 66 persons awaiting immediate admission need for admission to Mount Alvernia from the community, home help provision is as follows:

610 A combination of home help by the Care Agency and family support – 17
Family Support only – 36
Of the remaining 13, 4 have been admitted to Mount Alvernia... *[Sound of loud siren]*

615 **Hon. J J Netto:** Will the hon. Lady mind repeating the answer once the siren stops.

Hon. Miss S J Sacramento: Mr Speaker, I will start again.
Of the 66 people awaiting immediate need for admission to Mount Alvernia from the community, the home help provision is as follows:

620 A combination of home help provided by the Care Agency and family support is 17. There are 36 people with family support only and then, of the remaining 13, four have been admitted to Mount Alvernia, eight have been admitted to the GHA and one has passed away.

ANSWER

THE HON THE MINISTER FOR EQUALITY AND SOCIAL SERVICES

Mr Speaker,

Of the 66 persons awaiting immediate need for admission to Mount Alvernia from the community, Home Help provision is as follows:

Care Agency Only	Care Agency & Family Support	Family Support Only	No Home Help Provided
0	17	36	0

Of the remaining 13:

4 have been admitted to Mount Alvernia
8 have been admitted to GHA
1 has passed away

625 **Hon. J J Netto:** I am grateful for that, Mr Speaker but, given that there are 36 persons which only have help by the family, if I have understood that correctly and, given that we are talking about people who are in urgent need to go to Mount Alvernia, would it not be perhaps the case, Mr Speaker, that this particular 36 people may need an increase of home help by the Government in this particular case, by the Social Services Agency and, therefore, will that not be looked into by yourself and the Care Agency?

630 **Hon. Miss S J Sacramento:** Absolutely, Mr Speaker, which is why, as I said last month, the Care Agency, which has inherited a list of 400 people in need of domiciliary care, is undertaking an assessment of everyone on the list so that we know what domiciliary care needs to be provided. In fact, Mr Speaker, there are some people who have been offered domiciliary care but have rejected this.

635 **Hon. J J Netto:** Mr Speaker, this review that the hon. Lady talks about, can she indicate how long will the review take place because, obviously, we are dealing here with individuals who are in urgent need to be assisted into Mount Alvernia, and they have no help from the Care Agency. These are individuals that are only being assisted by the family, so could she indicate to the family who are providing the help to these particular persons how long will the Government take to do this review.

640 **Hon. Miss S J Sacramento:** Mr Speaker, unfortunately these are people who have needed this help urgently for years and years (*Applause and banging*) and it is now that the new Government has taken office that these people have been given priority. They are being assessed by the staff at the Elderly Care Agency, as well as being assessed by the occupational therapist because, if people are to be given domiciliary care at home, we are not only talking about the support by way of carers but we also need to look at the issue of any aids and appliances which they would require. But I have to reiterate that these people have been on the
645 waiting list for both Mount Alvernia and domiciliary care for years and years.

650 **Juveniles in need of specialised care
Practical steps being taken**

Clerk: Question 175, the Hon. J J Netto.

655 **Hon. J J Netto:** Mr Speaker, given that there are five juveniles who, in the opinion of senior management, would warrant further specialised care over and above the existing services being provided, as answered in Written Question 51/2012, will the Minister for Social Services say what practical steps are being taken to meet such needs, if any?

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are two levels of specialist care which are currently being explored, the first one being the infrequent, but nonetheless necessary, provision which would enable the restriction of liberty of a young person in specific circumstances. This is the provision of secure accommodation, which is the restriction of a child's liberty, which is provided for in UK legislation but which was omitted in the local legislation, when the Children Act was passed.
665

As such, this has led to a deficit in how Gibraltar can manage children who, for a time, may require their liberty to be restricted. We have already begun the process of exploring how this deficit in legislation will be addressed and how we may begin the process for planning for such a resource. However, as a direct result of the deficit in the current legislation and associated resources, the children's residential services have been faced with managing some very difficult and serious violent behaviours within the current service provision. We have, therefore, swiftly commissioned an expert from the UK to work alongside care workers for 28 days, as well as providing enhanced training for a dedicated group of care staff and working closely with other agencies.
670

Multi adaptations of a flat have taken place so as to optimise both the children's and the care staff's safety. We have also identified an expert child psychiatrist from the UK and are in the process of commissioning an assessment which we hope will offer opinion and guidance regarding future care planning.
675

680 On the second matter of specialist provision – that of a challenging behaviour unit – the hon. Member will, of course, be aware of the need for this resource because it is something that has clearly been identified for a number of years. As a result of the actions which have been taken by this Government, we now have a group of 16 level 2 staff, trained and experienced care staff in regard to managing challenging behaviour. We have also explored venues for such a unit and are considering possibilities in this regard. One of the five adolescents identified in the answer to Question 51/2012 now has firm arrangements in place to attend a UK specialist provision which will commence shortly.

685 **Hon. J J Netto:** If I understood, Mr Speaker, the hon. Lady correctly, what she seems to be saying is that, in the short term, she is adapting certain flats – perhaps I am making an assumption here on my part – to be able to segregate those particular children with severe challenging behaviour from the mainstream facilities in Tangier View. That perhaps may be the short-term measure that she seems to be taking. If not, I will be glad if she can correct me, but, in the longer term, she is looking for a particular site, a particular building, to have these particular youngsters, and perhaps, if successful, even bringing some of the ones we have got in the UK back to Gibraltar, which would be in the best interests of everyone. (*Interjection*)

690 But when she talks about adapting flats in the short-term, is she talking about the flats that we have in Tangier View or flats out there in the community?

695 **Hon. Miss S J Sacramento:** It is a combination of both, Mr Speaker.

Hon. J J Netto: So, if the hon. Lady is saying that, depending on the circumstances of each individual child, either that person with severe challenging behaviour will be given the service in Tangier View albeit with the staff who have been training, but perhaps there will be other children – perhaps the older ones – who will be out in the community. Is that the case?

700 **Hon. Miss S J Sacramento:** Perhaps, Mr Speaker, it may be the same child, depending on the level of behaviour or misbehaviour at the time.

705 **Hon. D A Feetham:** Can I ask the hon. Lady, what does she mean by ‘secure accommodation’?

My understanding of secure accommodation is, in fact, an alternative to prison. For example, just to illustrate my point, Thompson and Venables, who are the killers of Jamie Bulger, because they were under age, they were not sent to prison, they were sent to secure accommodation. Is it the intention of the Government to build that type of facility in order to prevent juveniles from being sent to prison and being placed in secure accommodation?

710 **Hon. Miss S J Sacramento:** No, Mr Speaker. The intention of Government is to enable to extend powers to be able to secure children in alternative accommodation so that they are not necessarily in the same environment as other children who are not exhibiting the same levels of challenging behaviour and giving us some powers to be able to restrict liberty, but certainly not an alternative to prison.

715 **Hon. D A Feetham:** So, at the present moment, the Government has no plans to actually build any type of alternative facility, and we would continue with the situation, for which the Government of the day – my Government – was severely criticised by the party opposite when they were in Opposition, for allowing a situation whereby a juvenile is sent to prison, rather than to a secure accommodation?

720 **Hon. Miss S J Sacramento:** Mr Speaker, my response was in relation to a question which was posed to me with regard to challenging behaviour, and not criminal behaviour of juveniles. My response, accordingly, is in relation to how we will accommodate children who have challenging behaviour.

725 My response is not in relation to children who are subject to criminal proceedings. It is a different question and a different answer, Mr Speaker. I think I have answered the question that was asked of me. The hon. Member opposite has asked a completely different question, which did not form part of the original question.

730 **Hon. D A Feetham:** I will ask it in the future, but is she aware that, in fact, the particular section that we took out – or I took out – of the Children Act in relation to secure accommodation... that secure accommodation, in the sense of that used in that particular section which exists in the UK Children Act, is

secure accommodation that is used not only in relation to children with challenging behaviour, when they have got to be placed there because that is the only way, in fact, from memory, that... The thrust of the section is that they can only be kept in secure accommodation if the juvenile is going to abscond.

735

That is the reason why they are – ‘placed in secure accommodation’ – or that is part of the test under the section of the UK equivalent of the Children Act. But, in fact, the children are placed in exactly the same secure accommodation. The secure accommodation is the same for those types of challenging behaviour and also in terms of juveniles who are not sent to prison but placed in that type of secure accommodation.

740

So, is the Government’s position, therefore, that they intend to reinvent the wheel and to go down a completely different route to the route that is currently the position in the UK?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Member opposite is simply confusing the matter.

745

The hon. Member opposite is referring to section 25 of the Children Act 1989 in the UK and I am perfectly aware of what it says. That is the section which I understand was initially included in the Children Act in Gibraltar and was taken out.

As he rightly says, that is the section that would give us the power to provide to both be able to restrict the liberty of children who exhibit challenging behaviour and would also (*Interjection*) give us the power to provide for secure accommodation in criminal matters, which he was alluding to. I agree with what he has said. What I am saying is that that is not the question that was asked of me, Mr Speaker. (*Interjection*)

750

In any event, as he said that he may ask it in the next Parliament, he is of course welcome to put that question to me in the next parliament.

Hon. D A Feetham: I am not trying to be controversial here, I am not trying to catch the hon. Lady out in any way, shape or form. I am just trying to get to the bottom of the answer that she has given.

755

She gave an answer to my hon. Friend, Mr Netto, saying that the Government was looking into providing secure accommodation for children with challenging behaviour in the circumstances where the same power exists in the UK Children Act, which she has correctly identified as section 25 of the UK Children Act.

What I am saying is that, in fact, the same secure accommodation that is used in the UK for challenging-behaviour children is the same secure accommodation that is used as an alternative to prison. What I am asking the hon. Lady again is: is that the intention, or is the Government going to do something completely different in terms of secure accommodation? That is it.

760

Hon. G H Licudi: Mr Speaker, the answer to this supplementary is contained in the *original* answer that was given.

765

There was a reference made to what is provided in the UK, and what the hon. Lady said is that we are in the process of exploring how this deficit in legislation can be remedied. The hon. Lady has referred to the particular section in the UK and that is something that is being looked at. It does not necessarily mean that we will replicate it word for word, but we are looking at it to see whether it can be adapted or used as a model for what we want to do in Gibraltar.

770

I acknowledge what the hon. Member has said opposite and we will take those matters into account, but there is a need. We have identified, as a Government and as a matter of policy, that there is a need to introduce something to provide for this sort of legislation. We are currently considering what the legislation is in the UK and how it can be adapted or adopted for Gibraltar. The process is being considered for the purposes of enacting at some point in the future.

775

Hon. D A Feetham: I am going to end the matter here because I do not want to push him, but does he not recognise the reality of the situation is that it is not a question of deficit of legislation? It is a question of deficit of resources.

780

If it were just simply a question of deficit of legislation, I would have left the section in. The reason why I took the section out was that this would have required, if it is to be used... If you are going to provide a secure accommodation in the sense of the UK, which is secure accommodation for children with challenging behaviour in circumstances where the authority is preventing them from absconding, and also in relation to as an alternative to prison, that is a massive expense for the Government. We took it out and what I asked the hon. Lady was: is the Government’s policy to do that or to go down a different route? That is not a question of legislation; it is a question of resources.

785

790 **Hon. G H Licudi:** Mr Speaker, the hon. Member is arguing at cross purposes to what his hon. Colleague argued earlier in response to... in a supplementary to a question that I answered, where the hon. Member specifically said and asked me, are we looking at legislation, an amendment to the Children Act, to provide for secure accommodation, and that was on the basis that the hon. Member, Mr Netto, recognised that that course of action *needed* legislation.

Now the hon. Member says, 'No, that legislation is not needed –

795 **Hon. D A Feetham:** No, I asked –

Hon. G H Licudi: – it is a question of resources.'

Hon. D A Feetham: With respect... May he give way?

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

805 **Hon. D A Feetham:** With respect, I am not saying that the legislative amendment would not need to be made. What I am saying... (*Interjection*) No, what I am saying is that first you deal with the issue of resources and then with the question of the legislative amendment, and that we took it out because we did not have the resources here in Gibraltar to actually do it, and what I am asking is: is the Government proposing, or exploring, to go down the UK route of providing secure accommodation for both people with challenging behaviour and also as an alternative to prison; or are they going down a different route? Because my understanding of the answer to the question from the hon. Lady was that, in fact, the plans were fairly well advanced and they were looking at alternatives.

810 That is all.

815 **Hon. G H Licudi:** Yes, Mr Speaker, the alternatives that are being looked at are in relation to challenging behaviour. That is the debate, or questions and answers, that we had earlier in relation to children with challenging behaviour, and what we have recognised is exactly the same point that the Hon. Mr Netto recognised when he rightly asked me a supplementary as to whether we were looking at the possibility of changing the Children Act, because I did refer, in my answer earlier, to the need for secure accommodation.

820 What I said earlier is that, in relation to children with severe challenging behaviour that have to be taken out of the environment that they are currently in, there is a need to identify a site, which we have already done, to turn that, if necessary, into a secure unit and to have the necessary legislation in place in order to do that.

That is all we are proposing. We are not proposing anything else. It was certainly good enough as an answer to the Hon. Mr Netto. I cannot see what the issue is any more.

825 If the question is, is the Government prepared to allocate the necessary resources? The answer is obviously, yes! It is a manifesto commitment. It is a manifesto commitment to create this unit – a dedicated facility to deal with children with [*inaudible*] challenging behaviour. We have identified the site. There is a need for work to be done on that site, and there is probably a need, as my hon. Colleague has identified, to make an amendment to the Children Act.

830 That is the route that we are proposing, as a matter of policy and, to the extent that resources are necessary, resources will be put in.

Hon. D A Feetham: That is precisely what I understood the hon. Lady to say.

835 Now, my question, which I am still none the wiser as to what the answer is, is whether the Government intends to use that secure unit that the Government has now identified and the plans are quite advanced, in relation to children with challenging behaviour, to extend that facility, in relation to children who may be guilty of a criminal offence, as an alternative prison – which is the position in the United Kingdom. That is all.

840 **Hon. G H Licudi:** Mr Speaker, the fact that something is in position in the United Kingdom, does not necessarily mean that it has to be replicated here.

Hon. D A Feetham: I accept that!

Hon. G H Licudi: The provision that the hon. Member refers to would give the Government the power to go down that route.

845 The Government has not made a policy decision to go down that route; it has made a policy decision to identify a site and to turn it into a dedicated unit for children with challenging behaviour. That provision will give us the power to do that. If it gives us wider powers, then the use of those wider powers would have to be considered in due course. But they are not certainly part of the Government's policy at this stage.

850 **Hon. D A Feetham:** Thank you very much! That was not too difficult. That is my answer!

Clerk: Question 1 –

Mr Speaker: I call on the Hon. Jaime Netto.

855 **Hon. J J Netto:** Can I ask a further supplementary question to the hon. Lady?

860 In relation to this group of looked-after children with severe challenging behaviour, are any of them the ones that are perhaps waiting for a placement for the Vocational Training Scheme or any other training scheme? Is she aware whether *any* of these particular groups are related to my previous question in relation to waiting for a training placement?

Hon. Miss S J Sacramento: Mr Speaker, I do not have the information, but I know that because some of those identifying the challenging behaviour are under the age of 15, then the issue does not arise in respect of them.

865

Residents' lift at Mount Alvernia Arrangements for repair

870 **Clerk:** Question 176, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the residents' lift at Mount Alvernia has been broken, and if so, when is it envisaged that repairs will be carried out?

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

880 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the residents' lift at Mount Alvernia broke on Saturday, 4th February. It was identified that a part needed replacing. The part was ordered and repairs were effected and the lift was working by Friday, 10th February – not even a week after it broke down.

It must also be noted, Mr Speaker that, during this time, there were two other passenger lifts operational at Mount Alvernia.

885 **Hon. J J Netto:** I am grateful – despite the tone of her answer.

HOUSING AND THE ELDERLY

Shower units for the elderly How many to be installed over three months

Clerk: Question 177, the Hon. J J Netto.

895 **Hon. J J Netto:** Mr Speaker, of the 66 elderly persons awaiting the installation of a shower unit, as answered in Written Question 52/2012, can the Minister for Housing say how many such installations it is

envisaged will take place over the next three months?

900 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker. It is envisaged that all installations will take place over the next three months.

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

**Government housing waiting list
Breakdown of allocation requirements**

910 **Clerk:** Question 178, the Hon. E J Reyes.

915 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applicants are on the Government's housing waiting lists, as up to date as possible, giving a breakdown of the housing allocation requirements?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

920 **Minister for Housing and the Elderly (Hon. C A Bruzon):** A total of 1,507 applicants are on the various housing waiting lists as follows: 1RKB – 1,123; the 2RKB – 86; the 3RKB – 171; the 4RKB – 106; the 5RKB – 17; and the 6RKB – 4; making a total of 1,507.

ANSWER

THE HON THE MINISTER FOR HOUSING AND THE ELDERLY

Mr Speaker,

A total number of 1507 applicants are on the Housing Waiting Lists, as follows:

			<u>Pre-list</u>		<u>TOTALS</u>
1RKB	-	748	375	=	1123
2RKB	-	52	34	=	86
3RKB	-	97	74	=	171
4RKB	-	69	37	=	106
5RKB	-	7	10	=	17
6RKB	-	2	2	=	4
TOTALS		975	532	=	1507

925 **Hon. E J Reyes:** Thank you for that, Mr Speaker. So, given that there has been a increase of almost 50% from last time, is the Government now in a position to say what extra housing units it intends to build during its current term of office?

930 **Hon. C A Bruzon:** I think it is only fair to explain to the hon. Member that the way the previous question was phrased last month, the information he got was for people on the housing waiting list proper. The totals that I have given him include everyone on the pre-list as well. That is why the figure is substantially bigger.

Hon. E J Reyes: Okay, Mr Speaker, I accept that, but can the Hon. Minister explain to me when it is – I think he has a commitment to do away with the pre-list – that these pre-lists will disappear, so that then there is no misunderstanding, we just talk about one general housing list?

935 **Hon. C A Bruzon:** There is, indeed, a manifesto commitment to eliminate the pre-list, but we have not given an exact date as to when this will be achieved. We are in discussion with a computer expert to help us to merge the two in the fairest possible way. I cannot give him a date but it is a commitment for this term in office.

940 **Hon. E J Reyes:** Thank you for that, Mr Speaker.
So then, as well, those who are on the pre-list who would eventually be... those will form part and parcel of those to whom this Government is committed to re-house within the term of office?

945 **Hon. C A Bruzon:** The manifesto commitment, as from 9th December, includes: everybody on the pre-list on that day and everybody on the housing waiting list proper. All those applicants, as from 9th December, will be housed before the four-year term is over. That is the aim, and we will give it our best shot.

950 **Homeless persons**
Number of applications for housing

Clerk: Question 179, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many applications for housing from homeless persons are currently being dealt with by his Ministry?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

960 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker.
The Ministry for Housing is currently dealing with 25 applications from homeless persons.

965 **Housing Allocation Committee**
Number of meetings since Question 64/2012

Clerk: Question 180, the Hon. E J Reyes.

970 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many times the Housing Allocation Committee has met since the answer provided to Question 64/2012?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

975 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Mr Speaker, the Housing Allocation Committee has met four times since the answer provided to Question 64/2012.

980 **Housing Allocation Committee and others**
Number of homes allocated

Clerk: Question 181, the Hon. E J Reyes.

985 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing state how many homes have been allocated since his answer to Question 65/2012, indicating whether these homes have been allocated by the Housing Allocation Committee or by any other authority, and if so, by which authority?

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

990 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Yes, Mr Speaker, since the answer given to Question 65/2012, a total of 36 homes have been allocated by the Housing Allocation Committee – more accurately I should say, on the advice of the Housing Allocation Committee, because it is the Housing Authority which, in fact, assigns these allocations.

995 May I also add that, as from today, there are 40 further allocations being offered to tenants – 40 – which we are awaiting an inspection and, hopefully, the approval of the applicants, insofar as they will accept these offers.

Hon. E J Reyes: Mr Speaker, just to be clear, forty – 40 – that have been offered, and now you are waiting to see whether those applicants wish to accept those homes?

1000 **Hon. C A Bruzon:** Yes, over and above the 36 homes that have been actually allocated and accepted by tenants, as we speak, there are also 40 allocations which we have offered to applicants but, of course, they have to accept or reject the offer.

I hope there will not be any rejections.

1005

**Housing Works Agency
Number of tenants requiring work to be done**

1010 **Clerk:** Question 182, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many tenants are currently listed as requiring works to be done in their homes?

1015 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, I will answer this question together with Question 183.

1020

**Housing Works Agency
Number of required repairs listed**

1025 **Clerk:** Question 183.

Hon. E J Reyes: Yes, Mr Speaker, can the Minister for Housing state how many jobs are currently listed as still requiring the attention of the Housing Agency?

1030 **Clerk:** Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): The number of tenants currently listed as requiring works to be done in their homes is 616.

1035 The number of jobs currently listed as still requiring the attention of the Housing Works Agency is 903.

Hon. E J Reyes: Nine zero three, sorry?

Hon. C A Bruzon: Nine oh three – 903.

1040

**Housing Works Agency
Repair work contracted out**

1045

Clerk: Question 184, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state how many jobs have been contracted out, and to which companies, by the Housing Agency since 9th December 2011?

1050

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Yes, Mr Speaker, the number of jobs contracted out by the Housing Works Agency since 9th December 2011 is five, as follows – I will give you the name of the company and the number of jobs:

1055

Gemini Riteway Scaffolding Ltd – two; Skybridge Ltd – two; Wastage Products Ltd – one.

1060

**Gibraltarians living in Spain
Special housing list applications**

Clerk: Question 185, the Hon. E J Reyes.

1065

Hon. E J Reyes: Mr Speaker, can the Minister for Housing indicate when the separate housing list for applicants currently living in Spain wishing to return home will be introduced and what the eligibility criteria for these applicants will be?

1070

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, as the hon. Gentleman may be aware, in the time whilst they were in administration, applicants for Government rentals living in Spain have required a local address for mailing purposes. This was agreed by the Housing Allocation Committee during their time in office and this, therefore, already exists within the waiting lists.

1075

In addition, the eligibility criteria are the same as already apply for those wishing to apply for Government housing.

Separately, and in order to give effect to our specific manifesto commitment, a separate list will be established to provide for applicants currently living in Spain. The specific criteria for this list – or lists, as there is a possibility that there may be more than one list – will be published in the coming months.

1080

**Co-ownership housing estates
Discussions re increasing service charges**

1085

Clerk: Question 186, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing state if he has now held discussions with management companies of co-ownership housing estates, in order to address the issue of increasing service charges?

1090

Clerk: Answer, the Hon. the Minister for Housing and the Elderly.

Minister for Housing and the Elderly (Hon. C A Bruzon): Mr Speaker, no, I have not yet met with any management companies of co-ownership housing estates. I am in the process of fixing meetings for this purpose, with me and with the Chief Minister. A number of estates have already been allocated dates for such meetings.

1095

1100 **Hon. E J Reyes:** Mr Speaker, just to clarify, the meetings will be held with the estates that are co-ownership – what happens to those where there is no co-ownership but rather, as from day one, they have been purchased the full 100% by the owners, therefore there is no Government share in it? Will he also be looking into the increased service charges for those people or will they be treated in a different manner?

1105 **Hon. C A Bruzon:** To be honest with you, Mr Speaker, I do not have that information. However, I will try to find out for him and maybe he can ask me the question in that format next time, if it is okay with you.
Thank you.

1110 **TRAFFIC, HEALTH AND SAFETY AND TECHNICAL SERVICES**

**Parking facilities
Preliminary assessment**

1115 **Clerk:** Question 187, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services provide details of the preliminary assessment of parking facilities which the Government is conducting in Gibraltar?

1120 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, at present all the data relating to parking facilities emerging from the public consultation process is being collated and will then be analysed.

1125 The Government has chosen to wait to digest all the public feedback from what was described by the previous administration as a pilot scheme – that is, the North District – before commencing a more thorough assessment of the parking facilities.

1130 In the interim, the Technical Services Department and Gibraltar Car Parks Ltd will be assessing the various districts around Gibraltar to identify areas for the possible creation of more parking spaces. The potential use of some existing tunnels, including air raid protection shelters, is also being considered.

Hon. D J Bossino: Does this form part of the major traffic review, or is it something different? Can the Minister clarify that?

1135 **Hon. P J Balban:** Although this is part of the parking part of the Traffic Plan, it is all part of the same review.

1140 **District Parking Scheme
Possible extension to other areas**

Clerk: Question 188, the Hon. D J Bossino.

1145 **Hon. D J Bossino:** Mr Speaker, can the Minister for Traffic, Health and Safety and Technical Services inform the House whether a decision has been taken to extend the District Parking Scheme to areas in Gibraltar other than that which is covered in the North District Parking Scheme?

1150 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, a decision has not yet been taken on whether to extend the District Parking Scheme to areas in Gibraltar beyond

that which is currently covered by the North District Parking Scheme.

1155 The Government will not take any decision on this Scheme without fully assessing and carefully considering the feedback received from the public consultation exercise.

1160 **Hon. D J Bossino:** Given that, as I understand it, the public consultation exercise closed on 30th January, and given also that this is a matter which is receiving some public interest – there have been letters in the *Chronicle*, in relation to specifically the South District Parking Scheme – can the Minister be more precise as to when he feels he will be in a position to make an announcement in relation to this?

Hon. P J Balban: Mr Speaker, at the moment, it would be impossible to actually give a date. The first part of the actual Scheme, which is the public consultation exercise, has now been completed, and obviously now we are actually, as I said, collating and analysing the data, following which we will be consulting other interested members of the community.

1165 **Hon. D J Bossino:** Is he able to give some information in relation to the data which has already been received?

1170 **Hon. P J Balban:** Mr Speaker, the data is actually being collated by members of staff. They are actually preparing a summary spreadsheet of all the findings and, once that is finished – which I hope they will be finishing shortly – that will be handed back to me and then I will be in a position to be able to give more specific details of the outcome.

1175 **Hon. D J Bossino:** So the Minister has not seen the data as yet.

Hon. P J Balban: Mr Speaker, I have seen parts of the data. As the feedback has been coming in, I have actually been reading bits of the comments but, obviously, I have not read the whole, all the data, as there is quite a lot of submissions that have come through – impossible to read them all.

1180 **Hon. D J Bossino:** Can the Minister commit now to making the data received, and information gleaned from the data, public?

1185 **Hon. P J Balban:** Once the data comes back and a decision is taken as to what will happen with the data, then we will take a... we will actually move on with actual suggestions for the Parking Plan.

1190 **Consultation process re Traffic Plan
Interested parties**

Clerk: Question 189, the Hon. D J Bossino.

1195 **Hon. D J Bossino:** Can the Minister for Traffic, Health and Safety and Technical Services provide details of the interested parties which are involved in the consultation process relating to the Traffic Plan and, of those interested parties, which were identified by the Government for consultation?

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

1200 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the consultation process has started with a public consultation exercise requesting input from the general public, who are therefore the first and, arguably, the most important, interested party.

1205 This input will be considered together with the feedback which Government will receive from other parties, all of whom have an interest in the way traffic is managed locally. These parties will include, but not be limited to, those who depend on the reliability of our road network as a core part of their business. None of the interested parties that participated in response to the press release issued were identified by the Government for consultation. Among those submitting feedback were environmental NGOs, local disability

groups and tenants' associations.

1210 **Hon. D J Bossino:** This was the subject of quite a few questions from this side of the House on the last occasion, if the Minister will recall, and as I understood the answer from the Government – in particular the Hon. the Chief Minister – he, in fact, said that there *were* people that had been identified by the Government and those interested parties would be consulted by the Government.

1215 **Hon. P J Balban:** At present, the actual feedback that came through, the Government had not identified these parties. It was completely left open to the general public. In the next stage of the process, the Government now will get in contact with other interested parties.

1220 **Hon. D J Bossino:** In the press statement, what the Government was referring to by 'interested parties' was simply the general public, which is, in fact, the answer I was offering to him on the last occasion and he was not willing to accept.

1225 **Hon. P J Balban:** That was what we concluded last time, that 'interested parties' at that moment was the general public, yes.

Hon. S M Figueras: Mr Speaker, having moved rather precipitously to this Question, I did not have the opportunity to ask the supplementary, but I think it is still relevant in any event, given that we are still looking at the consultation and the data that has been received.

1230 Can the Minister confirm, by virtue of the fact that he referred to a spreadsheet and the fact that the data was being collated in a spreadsheet, it seems to imply, certainly to me, that the data has been received, involves figures and the kind of information that *can* be collated in that way. Is the Minister in a position today to identify for the House any trends or specific patterns that they are seeing in the information that they are receiving at this stage?

1235 **Hon. P J Balban:** No, I am afraid not. The actual referral to the spreadsheet... I know with 'spreadsheet' you would assume a numerical, arithmetic-type spreadsheet; it is actually, really a spreadsheet of all the salient points, a summary of all the comments made by the public, not figures.

1240

**Traffic Commission
Dates of meetings since General Election**

1245 **Clerk:** Question 190, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Traffic, Health and Safety and Technical Services provide the dates of the meetings held by the Traffic Commission since the last General Election, together with a list of all applications currently pending the Commission's determination.

1250 **Clerk:** Answer: the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, there have been no meetings of the Traffic Commission since the General Election. The Commission is currently being reconstituted.

1255 There are currently 67 applications pending the Commission's determination. The information requested by the hon. Member is contained in the schedule which I now hand over to him. [*See next page*]

1260 **Hon. D J Bossino:** I am sure the Minister with responsibility for traffic is aware of the statutory duties of the Traffic Commission, and one of them is to advise the Government on matters affecting traffic on the roads.

In the midst of a major review of existing traffic arrangements, in the midst of a parking assessment and when the Government is poised to take a decision in relation to the district's parking schemes, does he not

think it is a very sad and sorry state of affairs that, almost three months into the life of this new Government, the Traffic Commission has not only not met but does not seem to have been constituted as yet?

1265

Hon. P J Balban: Mr Speaker, the Traffic Commission presently has now been constituted and letters have actually been sent and members have been consulted for their agreement. In fact, we already have a date set for the first Traffic Commission, which is on Friday, 2nd March 2012.

Answer to Question 190

Below is a breakdown of pending applications for the Traffic Commission to consider:

Traffic Calming Measures	8
Traffic flow issues	2
Parking issues	19
Parking Bays	4
Disability Bay issues	6
Zebra/Pedestrian Crossings	4
Road Markings/Signage	9
Bollards	5
Miscellaneous Items	10

1270

Hon. S M Figueras: Mr Speaker, of the zebra/pedestrian crossings listed in the schedule, numbering four, is the Minister able to clarify which crossings these are, or which areas in Gibraltar these relate to?

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Hon. P J Balban: The information on the actual sheet I handed over to the hon. Gentleman is just a summary of them. I will not be able to actually specify which crossings they were. I could always provide that information, but it is not possible at the moment.

Hon. S M Figueras: So, Mr Speaker, can the hon. Member confirm whether these pedestrian crossings are crossings which are pending installation or pending application?

1280

Hon. P J Balban: Yes, that is right. There are a few zebra crossings which are pending the Traffic Commission to advise the Minister on.

1285

Hon. S M Figueras: Mr Speaker, I am grateful for the answer. I only wanted to clarify whether the two pedestrian crossings which have been added at Bishop Caruana Road, which I think were... It is certainly something that I personally welcome... whether those two crossings were something that were contemplated by the Commission or whether there was an initiative of the Government to install those.

1290

Hon. P J Balban: The Traffic Commission, as you are aware, is an advisory body which actually advises the Government, advises the Minister.

Sometimes we see there is a specific case in question where there is urgency and the action is a real, legitimate need for a zebra crossing in that place, and obviously that is done. There could be other instances whereby advice is sought because there is a discrepancy as to whether it is really... the place in question, whether it is suitable or not, or even advisable or not.

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Hon. S M Figueras: Mr Speaker, I am grateful for that. I merely wanted clarification on whether these were another four pending crossings.

1300

**Health and Safety professionals in Government
Grades, qualifications and training**

Clerk: Question 191, the Hon. J J Netto.

1305 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say the total number of factory inspectors employed, the number of Health and Safety representatives employed in various Government Departments, authorities and agencies, their grades, qualifications on Health and Safety, and whether any of them are currently undergoing any training or courses leading to a Health and Safety qualification?

1310 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, Government employs two factory inspectors. Both have an International Diploma in Risk and Safety Management as qualifications. Currently, they are undertaking no further courses.

1315 There is a need to clarify between the term Health and Safety 'representative' and Health and Safety 'adviser' or 'officer'. Health and Safety representatives are nominated by the staff side, the trade unions, similar to how they nominate their shop stewards. On most occasions, they are the same person. The employer – in this case Government or its agencies – would employ Health and Safety advisers or officers. As to how many Health and Safety representatives are in Government or their agencies, the question should be posed to the trade unions, as they would be in a better position to provide a figure as an answer.

1320 The information requested by the hon. Member is contained in the schedule, which I now hand over to him.

Answer to Questions 191 of 2012

Department	Grade	Nos.	Qualifications
TSD	HPTO	1	NEBOSH Certificate (in Construction) NEBOSH DIP Parts 1 & 2 Occupational Health & Safety
Housing Works Agency	PTO	1	NEBOSH Certificate Occupational Health & Safety
Environmental Agency	SEHO	1	CIEH Approved
Factories Inspectorate	Factories Inspector	2	International Diploma in Risk & Safety Management
CFB	Firefighter	1	MSC Occupational Health & Safety Management CMIOSH AIEMA
Customs	AO	1	NEBOSH (Health & Safety Practitioner) NEBOSH (Occupational Health & Safety)
Sports Authority	Deputy CEO	1	Certificate (Health & Safety in the Workplace)

1325 **Hon. J J Netto:** Mr Speaker, is it the intention of the new Government, and in particular the new Minister for Health and Safety, to develop more Health and Safety advisers throughout Government Departments, Authorities and Agencies... to the one contained in the schedule?

Hon. P J Balban: At the moment, that is not the intention, no.

1330 **Hon. J J Netto:** Mr Speaker, the reason why I ask this question... because, obviously, I can see, in relation to the column on Departments, that there is one in the Technical Services Department, there is one in the Housing Works Agency and another one in the Environmental Agency, leaving aside the factory

inspector, the Fire Brigade, Customs and the Sports Authority, but it seems to me just at a glance and looking at the schedule, that perhaps one of the most important places of the Government has not got a Health and Safety adviser, which would be the Health Authority.

1335

The reason why I say this is because the Health Authority is perhaps the largest employer within the public sector, and not by necessarily being the biggest employer by the number of people employed. By the multiplicity of functions and diversity of functions that the Health Authority has – laboratories, x-rays etc – I would have thought that perhaps that is a likely area within the Government to develop at least one person to be dedicated in that particular area.

1340

So my question really is that, given that there is not any particular Health and Safety adviser for the Health Authority, which is the largest single employer within the public sector, and given the diversity of function, would not the Government consider perhaps that it is necessary to support, obviously, the senior management with a dedicated officer dealing with Health and Safety at the GHA?

1345

Hon. Dr J E Cortes: Mr Speaker, at the moment we are conducting a number of different reviews of the manning of the Health Authority, and that is an aspect that we are considering in all the other things that we are doing.

1350

Hon. J J Netto: So, obviously, do I take it, then, that it is in hand, in terms of whether there is a need or whether in the future the Health Authority will decide to employ a Health and Safety adviser?

Hon. Dr J E Cortes: We are currently looking into all sorts of areas, including the aspect of Health and Safety.

1355

Previous Written Questions re Factory Inspectorate Statistical information

1360

Clerk: Question 192, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety now in a position to answer the Written Questions submitted last month, namely numbers W5/2012, W6/2012, W7/2012, W8/2012, W9/2012, W11/2012 and W12/2012?

1365

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

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the Factories Inspectorate is in the procurement stage of acquiring a new computer software programme that would fulfil their statistical requirements.

1370

Before commissioning the software programme, this would need to undergo a trial period to ensure that the Inspectorate is content with the statistical data produced.

Due to the above-mentioned reasons, it would be premature at this stage to provide you with a definite date as to the availability of the statistical information requested, but rest assured that we are working on this information being made available as soon as possible.

1375

Hon. J J Netto: Mr Speaker, the reason why I pose this particular question in an oral form, as opposed to a written form, is because the last time round, when I actually posed it in written form, he neither gave me an indication as to the particular day...

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I then followed, in a personal letter, which I wrote to the Hon. Minister on 25th January, basically saying, 'Well, can you give me the information as to the likely timetable available?'

I know the Chief Minister is not, at the moment, in this Chamber, but given that the Chief Minister has stated that it is the policy of the new Government that they at least acknowledge letters within I think it is 14 days and then give a substantive answer in 21 days, is the Minister saying that he will not acknowledge letters from Members of the Opposition, or whether he is in a rebellious state against the Chief Minister and undermining his authority?

1385

A Member: For goodness' sake!

1390 **Hon. P J Balban:** Mr Speaker, I am not aware... I have actually got a copy...
Sorry, you were saying that I had not replied to your letter dated... (*Interjection*) Well, I have actually got a copy of the letter here which was sent –

Hon. J J Netto: Well, I have not received it.

1395 **Hon. P J Balban:** – and signed etc. I will have to check why you have not received it, but it was sent.

Hon. J J Netto: What date?

1400 **Hon. P J Balban:** On 7th February.

Hon. J J Netto: Mr Speaker, I certainly have not received the letter.

Mr Speaker: Well, blame it on the Post Office.

1405 **Hon. P J Balban:** I will chase it up for you, but it was sent on 7th February. I have got a copy of it here.

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

1410 If I understood the Minister correctly, for some particular reason he is saying that there is a need for a new software programme to be purchased, and then, obviously, a trial period to be able to detect...

1415 Obviously, there must be some technical reason for that and I take his word for that, but for the purpose of facilitating answers, do I take it that, once the software programme is purchased and is running, that the collection of information is not necessarily a function, or most of it, that would be undertaken by the Factory Inspector? In other words, once we have a prescribed form to collect the information I am requesting, this is, more than anything an administrative function rather than a dedicated person who is a Factory Inspector actually collecting information, inputting the information and then analysing. In other words, were the Factory Inspector more often comes into the equation, is by the analysis once the information has been inputted. So my question is, is the new software programme, in terms of collecting the information, because some information is stored in various Government departments, authorities or agencies, whatever, that part of the equation will be undertaken by the administrative grades, which will then enhance the facilitation of information in this matter.

1420 **Hon. P J Balban:** At present, the actual Inspectorate, as inherited by the Government, consists of two individuals without any administrative support, so for the time being they will be the ones inputting the information.

1425 The reason for the fact that we do not have the computer software in place, which is something which surprised me when I took office, was that the actual licence agreement was terminated in June 2009 and, since that date, the computer programme has just not been available, so what we have done now is actually that they have a system whereby they have actually got a licence for, I think it is about a month, whereby they can check the programme, see whether it will do all the things that they need it to do, and then, if it is working as they want and provides the information they want, they can actually engage in a permanent licence. Otherwise, if not, they will have to seek an alternative software programme and repeat the process again.

1430 **Hon. J J Netto:** Mr Speaker, in the explanation that the Hon. Minister has given, where exactly are they right now, in the sense that have they identified a specific software programme that can analyse this particular information? Have they already obtained a particular supplier who can provide this, or is it that they are still waiting for that?

1440 **Hon. P J Balban:** Mr Speaker, they actually have a one-month programme on which the licence expires in a month's time and they are, at present, inputting the information to see whether it will do, and provide, all the statistical information that is required of it. So they are actually at the stage, at the moment, doing that. They have actually got this computer for a month and they are actually –

Hon. J J Netto: Mr Speaker, with respect, that was not my question.

1445 My question was that, given that there is a need, according to the Minister, to purchase a new software programme, where, at what stage, are they right now in terms of identifying the correct particular software programme? Is this a particular software programme that they can buy from the shelf or is it something that has to be tweaked for the particular necessities of the Factory Inspector? Where exactly are they in relation to that aspect? Are they still looking for a particular software programme or is it that one has to be written specifically for them?

1450 **Hon. P J Balban:** As I think I said, they already have the software programme. They actually have it on a trial basis for a period of one month before that licence expires automatically, and then they have to decide whether they are going to re-engage... satisfied with it, and then they will actually extend the licence. I do not know whether it is yearly or indefinitely. Otherwise, they will have to seek an alternative software programme. But, at the moment, they have the programme in their possession for a period of one month.

1455 **Hon. J J Netto:** So, following the trial period of a particular month, for them to be able to conclude whether this particular software programme is the one that is required, or they need, for the production of these particular sources of information, when does the Minister consider that sufficient time has elapsed beyond a trial period to be able to be in a position to provide the information for me?

1460 **Hon. P J Balban:** Once the trial period is over, the month, if they are satisfied, it is assumed they are satisfied with the programme in question, then they would actually purchase the licence and then they could start inputting the raw data to produce the information. As to how long that process will take, I have no idea at this present moment in time.

1465

**Factory Inspectorate
Number of inspections in January 2012 and details**

1470

Clerk: Question 193, the Hon. J J Netto.

1475 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state how many inspections during January 2012 did the Factories Inspectors conduct, showing the industry group targeted, whether any possible contravention has been incurred to the Factories Act or any subsidiary legislation by any company and whether legal advice is being sought from the Attorney General's Chambers?

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

1480 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, fourteen inspections were carried out during the requested period and all have been construction related.

1485 One inspection was found with serious contraventions of the Factories Act and a Prohibition Notice was served on the construction site until the contraventions identified were remedied. No advice has been sought from the Attorney General's Chambers.

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

1490

**Factory Inspectorate
Investigations of accidents at work in January**

Clerk: Question 194, the Hon. J J Netto.

1495 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if any investigations of accidents at work have been carried out in January 2012 by the Factories Inspectors, showing the industry group

involved and whether any such investigation may lead to prosecution?

1500 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, no accident investigation has been carried out during the requested period.

1505

**Accidents at work
Details for January 2012**

1510 **Clerk:** Question 195, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety state if there have been any reported accidents at work during January 2012, showing the industry group and showing which ones were major, reportable or fatal?

1515 **Clerk:** Answer, the Hon. the Minister for Traffic, Health and Safety and Technical Services.

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 196 and 197 of 2012.

1520

**Accidents at work
Statistical analysis for January 2012**

1525 **Clerk:** Question 196.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide a statistical analysis of the reported accidents during January 2012, showing the number of accidents which occurred by age and sex distribution, type and cause and industry group?

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**Accidents at work
Loss of working days in 2012**

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Clerk: Question 197.

1540 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety state if there has been any loss of working days through accidents at work during 2012, broken down by industry group and cost?

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

1545 **Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is premature to provide an answer to this question, as notifications of accident reports are still coming in. However, the computer software programme that details the statistical information requested is in its procurement stage, as stated in answer to Question 192.

1550

**EU Directives on Health and Safety
Need for seminars and provision of information**

1555 **Clerk:** Question 198, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, in relation to the two EU Directives on Health and Safety to be transposed, and for which there is draft legislation already, as answered in Written Question 13/2012, does the Minister for Health and Safety consider that, prior to enactment, there might be a need to provide seminars and sufficient information to the relevant industry groups and workers that may be affected by it?

1560

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

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, the transposed EU Directives entail minor amendments to the list of the schedule to the regulations and add new chemicals to the list and their occupational exposure limits. It also modifies the occupational exposure limits of other chemicals already on the list.

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In this case, a press release informing stakeholders would suffice. In view of the fact that these are minor amendments, the holding of seminars is not considered necessary.

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Hon. J J Netto: Mr Speaker, can the hon. Member say which industry groups, which employers and, perhaps, what type of worker will be affected by these two Directives?

Hon. P J Balban: Mr Speaker, I will have to actually find out specifically because that reply has not been supplied to me. But, as I say, it is a very limited group of individuals which will be affected by these chemicals.

1575

Hon. J J Netto: Mr Speaker, with respect to the Minister, I would have thought, given that notices have been given to him, at least he would have had a conversation with the professionals in the field to know exactly which workers and which employers and which companies would have been involved in the transposition of these Directives, which brings the whole question – my main question – back into the fore, which is, basically, if the Hon. Minister does not know which particular workers are going to be affected by this, surely he should then consider whether there is a need for information to be given to those particular workers in those particular companies? But, obviously, he does not seem to know

1580

Could I also ask, is the Minister being advised or assisted for the purpose of this transposition by any scientific or professional group, other than the law drafter?

1585

Hon. P J Balban: Could you repeat the question, please?

Hon. J J Netto: My second supplementary question was whether the Hon. Minister, for the purpose of transposing these two particular Directives, has he been assisted or advised by any local scientific or professional groups, for the purpose of transposing these Directives, other than, of course, the two law drafters?

1590

Hon. P J Balban: The transposition of the said Directives is actually done by EUID officers and they will make sure that all the necessary things are in place.

1595

Hon. J J Netto: Mr Speaker, the reason why I ask this is because I have taken the care myself of printing out the Directives and in relation to the Directive on the third list of indicative occupational exposure limit values, for instance, the actual people who wrote the Directive said, in little clause (2) down here:

1600

‘In carrying out these tasks, the Commission is assisted by the scientific committee on occupational exposure limits to chemical agents set up by the Commission Directive...’

– and it gives the number.

1605

So, basically, what I am asking is that, given that the people who drafted the Directive are supported,

assisted and advised by the relevant scientific and professional body, will the Minister not also require that he himself should be advised by the local people who are knowledgeable in this area, who may come from a scientific and professional background?

1610 **Hon. G H Licudi:** Mr Speaker, the hon. Member knows well the procedure in relation to transposition of EU Directives. These are matters that are handled by the EUID office. They advise the Ministers as to what is required. They will consider and assess what is necessary to transpose these Directives and will obtain the necessary support and advice that they need in order for the transposition to be effected. They will then be in a position to present the necessary advice to the Government as to what is required. That is the normal process and that is what will be required in this particular case.

Hon J J Netto: Mr Speaker, with respect to the Minister for Justice, what he has just said does not tally with what the Minister for Health and Safety said a while ago.

1620 The Minister for Health and Safety a while ago, in responding to my question, was saying this is a minor issue which does not require to give any information whatsoever, neither to the companies, nor to the workers, who may be involved by this.

The Minister also does not even know the people who are going to be affected by the transposition of this, so in my further supplementary question I am asking whether he has been advised by anyone at all, who may be affected by this particular Directive?

1625 So we have a situation where this has all been transposed with no information, no advice being given, either to the industry, to companies, to the unions, to the workers directly, *who* may require some training. So what I am basically saying is will the hon. Member not consider that before rushing into transposing these Directives, whether he will give it some thought to giving some advice, some information, perhaps in seminars, to all those various stakeholders who may be affected by the transposition of his Directive? That is what I am saying.

Hon. G H Licudi: Mr Speaker, the hon. Member has repeated the very first question that he asked and he was given an answer in the first place. The answer is as stated originally.

1635 **Hon. J J Netto:** Sorry, could you repeat that?

Hon. G H Licudi: The hon. Member in a supplementary has simply repeated the original question and he was given an original answer. The answer remains as originally stated by my hon. Colleague.

1640 **Hon. J J Netto:** Can I ask the Minister for Health and Safety who will be the Government authority – that is, the Department, authority or agency – that will sign the EU Declaration of Conformity, as prescribed in Annex 6 in order to ensure compliance under the Restricted Substances List in annex 2?

1645 **Hon. P J Balban:** Mr Speaker, that is not information that arises directly from the original question. Obviously, I will need notice of the question.

Hon. J J Netto: Mr Speaker, it does not arise, but if the hon. Member had printed out the Directives –

1650 **Hon. P J Balban:** Mr Speaker, yes, but –

Hon. J J Netto: – he would have given notice [*inaudible*].

Mr Speaker: Point of order. Point of order now.

1655 With respect, the hon. Member cannot tell the Minister what he should have done or should not have done. He has asked a question. He has been given the answer. Let us draw a conclusion and move on.

Hon. J J Netto: Well, Mr Speaker, but there is a point that I still want to ask first –

1660 **Mr Speaker:** Oh, you have further questions, then. What he should have done and printed it out and read it is another matter.

Hon. J J Netto: But my supplementary question, given the nature of the Directive, is that there will be a competent Government authority who will sign the Declaration of Conformity at local level – that is in the Gibraltar jurisdiction?

1665 The reason why I am asking this supplementary question is that because we are talking about hazardous substances, one would have thought that the local knowledge for knowing what the chemical value should be is not necessarily in the Health and Safety Department, but perhaps more on the Department of Environment where they have the element of people employed there, the professional people employed there with, the necessary scientific and professional background to be able to answer that.

1670 So my supplementary question is that, although it remains a Health and Safety matter, that the actual authority for signing conformity with these may not necessarily be signed with Health and Safety, but perhaps with the Department of Environment. So if that were to be the case, will it be the Department of Environment, as opposed to Technical Services Department, or his own Ministry?

1675 **Hon. G H Licudi:** Mr Speaker, again, that question does not arise from the original question, which was to do with providing seminars and information to industry groups. Now he wants to talk about the competent authority and whether it is one Department or another. We will need to have notice of that question.

1680 **Airport Terminal
Open for departures**

Clerk: Question 199, the Hon. D J Bossino.

1685 **Hon. D J Bossino:** Can the Minister for Tourism, Public Transport and the Port advise the House when the airport terminal will be opened for departures?

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

1690 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker, if the hon. Member is referring to the new air terminal, then the answer is that we cannot (*Interjection*) provide a firm date.... Well, the question was ambiguous, but I am assuming that he *is* asking about the new air terminal and therefore I will answer it, to say that we cannot provide a firm date.

1695 Whatever our differences may have been in relation to the new air terminal, the position is that the new Government wants to see the terminal operating for both arrivals and departures as soon as possible, in order to be in a position where we are operating only one terminal and not two. We understand that the contractor anticipates handing over the terminal completely on 31st March of this year, if all the commissioned works are successfully completely by that date.

1700 The date provided to Government as the date when it is likely that all testing and training in relation to the testings will have been completed, and by when the terminal can operate *fully* for arrivals and for departures, is May.

1705 **Old St Bernard's Hospital site
Government plans**

Clerk: Question 200, the Hon. Mrs I M Ellul-Hammond.

1710 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Minister for Development and Planning explain what plans the Government has for the old St Bernard's Hospital site that was earmarked by the former GSD Government as a joint First and Middle School?

1715 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government is considering various options for the site and an announcement will be made once a decision is taken.

1720

**Full planning process
Timescale for submission of Government projects**

1725

Clerk: Question 201, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, will the Minister with responsibility for Planning confirm whether the Government is committed to a specific timescale in respect of the submission of Government projects to the full planning process?

1730

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

1735

Hon. Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker. This will follow stage one of the process where Government projects are submitted to the DPC for guidance and an opinion. The Government has not yet decided on a specific date by which a second stage will commence, given that there may be a need to take legislative changes into account.

1740

Hon. S M Figueras: Thank you... I am grateful, Mr Speaker. However, though, I will not press for a specific date, as I know it is impossible at this stage to provide us with that. Is there at least a sense of the period of time we are looking at before Government projects go through the full planning process?

Hon. Deputy Chief Minister: Mr Speaker, I would not like to commit to specific dates or to... Definitely, it will happen within this term of office, but I would not like to say exactly when.

1745

Hon. S M Figueras: Thank you, Mr Speaker.

I press on the issue only because I am certain that the environmental NGOs now represented in the DPC will have strong views in respect of a number of the projects due to be completed within the term of office.

1750

For the commitment to be effective, in my view, the subjection of projects to the planning process should occur sooner rather than later and, though you are committing to doing it within the term of office, you are not willing at this stage to give any further indication of the point during that term of office at which you will do that.

1755

Hon. Deputy Chief Minister: Mr Speaker, it is definitely something I would like to do. It is something which I would like to do sooner, rather than later. I can say that, but I cannot be more specific than that at this stage.

Hon. S M Figueras: Thank you, Mr Speaker.

1760

**Development and Planning Commission
Nature of Government projects to be submitted for guidance**

1765

Clerk: Question 202, the Hon. S M Figueras.

Hon. S M Figueras: Will the Minister with responsibility for Planning confirm the nature or definition of projects which will be submitted to the Development and Planning Commission for its opinion and guidance; whether it will publish the guidance obtained from the DPC; and, if so, whether the Government is committed to following such guidance as may be received from it?

1770

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

1775 **Hon. Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, there is no definition of the word 'project' in the Town Planning Act. The Government, however, takes this to mean developments for which planning permission would ordinarily be required.

The guidance from the DPC will be delivered in public and online. This is a first stage. The opinion of the DPC will be for guidance only. In the second stage, it will be binding on the Government.

1780 **Hon. S M Figueras:** Oh, I am sorry, I did not quite catch the last bit.

Hon. Deputy Chief Minister: In the first stage, the opinion of the DPC will be for guidance only; and, in the second stage, it will be binding on the Government.

1785 **Hon. S M Figueras:** Mr Speaker, will this second stage of the first phase of the submission of projects to planning occur before projects are subjected to full planning process?

1790 **Hon. Deputy Chief Minister:** I can say that the first stage will start pretty soon. As soon as one of our projects comes up and it gets to the stage where it needs to go to the DPC, it will happen pretty quickly and then it will be for guidance only.

The second phase we are linking to the legislation – that is why it may take a little longer.

Hon. S M Figueras: Mr Speaker, can the Minister confirm whether projects are being submitted at least for the DPC's perusal at this stage, if there are any relevant projects?

1795 **Hon. Deputy Chief Minister:** At the moment we are continuing with many of the projects that we inherited from the previous administration. There are private individuals and companies coming forward with projects of their own.

1800 The first Government project has not actually reached the stage where it needs to go the DPC yet, but I am sure it will come.

1805 **Hon. S M Figueras:** Mr Speaker, I trust that the Hon. Minister will have no issue with me bringing this matter up on a regular basis until such time as it happens, as it is something that, though it is not the position of the previous administration, nor this Opposition, that Government projects should go to the DPC for their approval, it is indeed this Government's commitment and we will be seeking to ensure that this happens sooner rather than later.

I have no question and for that I apologise. *(Interjection and Laughter)*

1810 **Hon. Deputy Chief Minister:** I appreciate that our policies are different on this issue and, certainly, whenever the hon. Member has a question, he is free to raise the issue, we totally respect that. In any case, he is also welcome to come to me, to the DPC, and actually see the process working.

1815 **Development and Planning Commission**
Government commitment to further improving public access

Clerk: Question 203, the Hon. S M Figueras.

1820 **Hon. S M Figueras:** Mr Speaker, further to the first public meeting of the DPC, at which a number of applications which had been approved by sub-committee in private were passed, can the Minister with responsibility for planning confirm whether the Government is willing to commit to further improving accessibility to these meetings by way of provision of a live stream of the meetings, as well as opening up meetings of planning sub-committees to public or, at the very least, publishing minutes of said sub-committee meetings?

1825

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

1830 **Hon. Deputy Chief Minister:** Mr Speaker, the sub-committee of the DPC is in place to determine minor applications, like shop signs, internal works that concern internal changes to residential, office and commercial units, or the placing of air conditioning units. The idea is to make this process as quick as possible for these types of minor works.

1835 There are no plans at present to open these meetings to the public as well. The decisions taken by the sub-committee are recorded in the agenda and minutes of the DPC, that is then available online. There are no plans at this stage for a live stream of DPC sub-committee meetings.

1840 **Hon. S M Figueras:** Mr Speaker, I raise the point about the private meetings and accessibility to them or minutes of their decisions only – though I understand that they are in respect of minor works, as defined by the Town Planning Act – that there recently, certainly at the last meeting of the DPC, where 26 or 27 – I am not sure of the number – items were approved by the DPC as having been approved initially by the sub-committee. Included in that was one matter, certainly, that came to mind that may have had a certain element of controversy attached to it, given that it had been originally rejected by the DPC.

1845 It is only in furtherance of the Government's stated open and transparency agenda that I would ask the Minister whether it is possible for minutes of these private meetings to be made available in tandem with the minutes of the DPC, as publishing minutes will certainly – I expect the Minister will agree – have no impact on the speed or efficiency of the meetings and the approvals themselves, as it will be an administrative matter after the event.

1850 **Hon. Deputy Chief Minister:** Mr Speaker, the decisions of the sub-committee are published and they are available in DPC meetings and they are available online; but we have not actually given thought to the decisions of a sub-committee being published or being made available online because of the issues that they deal with generally are quite minor.

1855 In the application to which the hon. Member referred, the banner application, that was originally submitted to the DPC before my time, obviously, but it was rejected by the DPC at the time. It was submitted. The design of something was changed and it was submitted a second time. By then, the sub-committee was in place and the sub-committee approved it. The Committee is the two-Town Planners and the Heritage Trust. There is no representative of the political Government on it.

1860 **Hon P R Caruana:** Mr Speaker, can the hon. Member say on what grounds what was different about the application that the DPC originally rejected and the one that they subsequently approved, other than the intervention in between of the new Chief Minister that caused them to change their minds? I mean...

1865 **Hon. Deputy Chief Minister:** Mr Speaker, I am not present at that Committee so I am not aware of the details of the case. *(Interjection by Hon. P R Caruana)* No, *(Interjection)* what I am aware of... *(Interjection)* What I can say to the hon. Member, is that I understand it was a new application. *(Interjection)* There was a new system in place.

Hon. P R Caruana: A new one. Then it wasn't the earlier one.

1870 **Hon. Deputy Chief Minister:** A new application, a new system in place, and it was decided by the sub-committee. *(Interjections)* No, because it was not the same people. It was actually the sub-committee of the DPC.

1875 **Hon. D A Feetham:** Yes, as I understood the answer to one of the previous answers, I think what he said was he had not given any thought to the question of publishing decisions of the sub-committee but that, in any event, that possibly his instincts – if I can characterise it in that way – were that they are decisions in respect of such minor applications that there would not be any useful purpose in actually publishing minutes in relation to those decisions.

1880 Will he undertake to, perhaps, give thought to publishing minutes if, in fact, they are requested by anybody that has an interest or any affected parties? That might be a way in which to deal with that because I quite understand the point that the administrative burden of publishing online or making public minutes might

completely outweigh the benefits of actually doing so in relation to minor applications?

1885 **Hon. Deputy Chief Minister:** Mr Speaker, publishing the minutes of the sub-committee is not an issue for the Government. The whole DPC is public, anyway, so it is not really an issue for us. It is something which we would certainly be prepared to consider.

1890 It is not an issue, but I suppose if somebody feels... if an applicant feels very strongly about a decision, they would then be free to request the minutes or to request reasons why the application for air conditioning or for internal works was rejected. In that case, I would assume the applicant would be entitled to them. Although, let me say that if the sub-committee rejects an application, the applicant is free to then go to the whole DPC and take it up there.

1895 **Hon. D A Feetham:** Yes, also in relation to air conditioning units, in that there might be a situation where an application is granted to locate an air conditioning unit in a particular site which, because of its proximity to a neighbour, may give rise to an interest on the part of that neighbour – that is where I was coming from.

1900 **Hon. Deputy Chief Minister:** Mr Speaker, I understand that the applications are normally advertised and they are published. I did not know it well in terms of the smaller ones, you know, shop signs and air conditioning units – those are as well. But certainly, at a certain level they are advertised so people are made aware of the application.

**Ongoing review of Planning legislation
Online access to planning applications and other information**

1905 **Clerk:** Question 204, the Hon. S M Figueras.

1910 **Hon. S M Figueras:** Will the Minister with responsibility for Planning provide details about the ongoing review of planning legislation and the provision of access to all planning applications and other information online?

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

1915 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, the Government is currently assessing the technical advice regarding the provision of access to all planning applications and other information online. The review of planning legislation is currently being conducted by the Department and has not yet reached a stage where ministerial input of policy is required.

1920 **Hon. S M Figueras:** Mr Speaker, I asked the question and point... I understand that this will be an involved process which may take longer than the Government has currently been at the helm. However, I have identified from looking at the DPC's website today that, following three meetings with the DPC, none of the minutes have yet been published and I wonder whether the Minister will be dealing with this issue as part of the review in terms of the speed with which the information becomes available following meetings?

1925 **Hon. Deputy Chief Minister:** Certainly, Mr Speaker, it is something that we are looking at, but the hon. Member should be aware also that two of the three meetings were in public, anyway, and there were applicants there.

1930 In fact, at this last meeting we actually had objectors coming forward and stating their case and the applicants responding. So all that happens in public, anyway, but I will certainly check out why the minutes are not online and I will make sure that they are.

1935 **Hon. S M Figueras:** Yes, Mr Speaker, I am fully aware that it is happening in public, as it has been said in the House *ad nauseam*; however, it is unfortunately not always possible for me personally to attend at the meetings and so far it has not been possible. Hence, the reason why I would seek to rely as quickly as possible on minutes of those meetings. I can assure the Minister that, as soon as I have the opportunity, I will be

attending a meeting of the DPC.

1940 **Hon. Deputy Chief Minister:** Mr Speaker, I understand.
Primarily, obviously, the meetings are for the benefit of applicants, objectors, neighbours and what have you, although the hon. Member is obviously free to come as well. (*Laughter*)

Hon. S M Figueras: I will certainly be there at some point soon. Thank you. (*Interjections*)

1945

Adjournment motion

Clerk: The Hon. the Chief Minister.

1950 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the House do now adjourn until three o'clock tomorrow afternoon.

1955 **Mr Speaker:** I now propose the question, which is that this House now adjourn to Thursday, 16th February 2012 at 3.00 p.m.

I now put the question, which is that this House now adjourn until Thursday, 16th February 2012 at 3.00 p.m.

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

This House will now adjourn until Thursday, 16th February 2012 at 3.00 p.m.

1960

The House adjourned at 7.47 p.m.